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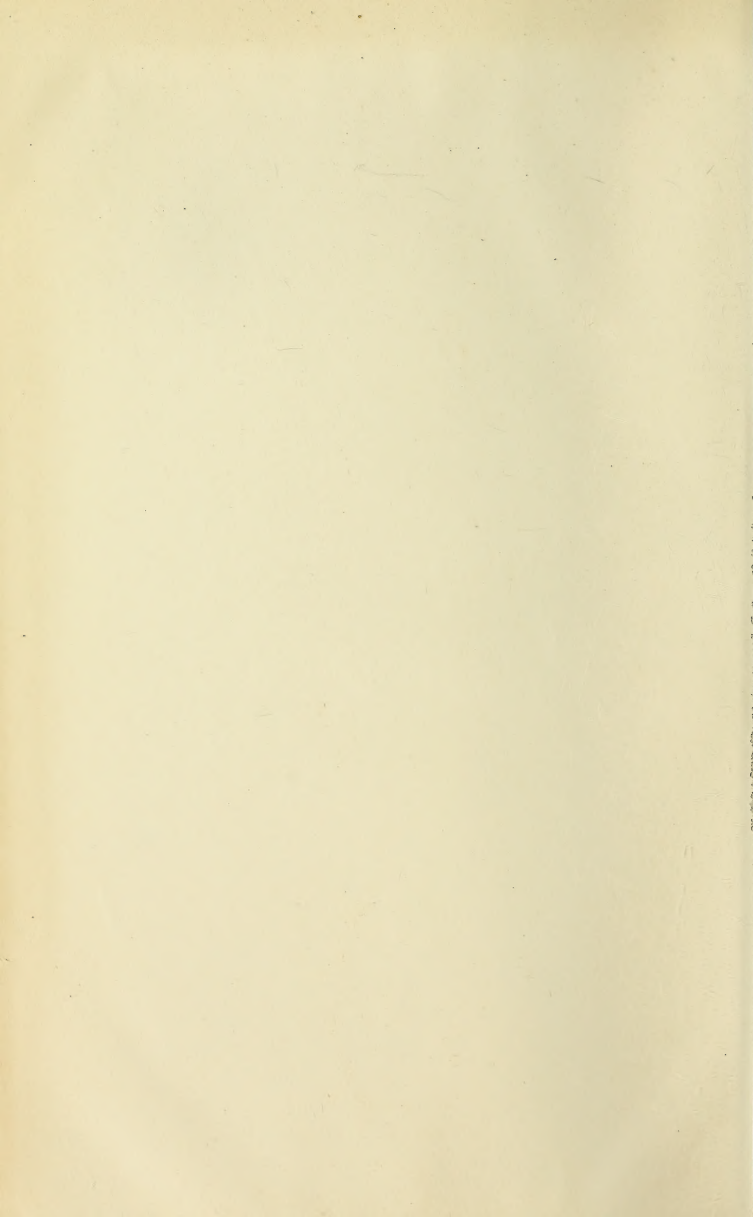
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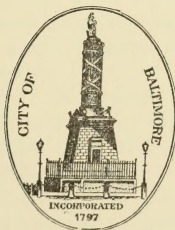
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THE
BALTIMORE CITY CODE

CONTAINING THE
PUBLIC LOCAL LAWS OF MARYLAND

RELATING TO
THE CITY OF BALTIMORE
AND THE
ORDINANCES OF THE MAYOR AND CITY COUNCIL OF BALTIMORE,
IN FORCE ON THE FIRST DAY OF JULY, 1906.

COMPILED BY
CHARLES PIELERT,
UNDER THE DIRECTION OF
W. CABELL BRUCE, ESQ.,
CITY SOLICITOR.



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NOTE

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The numbers of the sections of Article 4, title "City of Baltimore," of the Public Local Laws of Maryland, herein contained, are those of said Article as re-enacted by Chapter 123 of the Acts of the General Assembly of Maryland of the year 1898, it being deemed unnecessary to repeat the reference to said Act over each section of the Article. Supplementary sections added to said Article by Acts of Assembly since the session of 1898 are distinguished by capital letters following the number of such sections. To facilitate reference to all statutes relating to the city of Baltimore which do not in express terms repeal, enact or modify sections of said Article 4, and to effect a systematic arrangement of such statutes so that they will appear in connection with similar legislation in said Article, all uncodified laws not of temporary interest, passed by the General Assembly since and including the session of 1898, have been included in this compilation. The sections of Article 4 of the Public Local Laws as they appear herein codified from such last mentioned statutes, are distinguished by numerals with the prefix § and a serial suffix in the small letters of the alphabet.

Decisions of the Court of Appeals of Maryland cited herein are of two kinds or groups. One group embraces those which arose from the interpretation of the provisions of a particular law or ordinance embraced in this compilation; the other includes those decisions construing provisions of law or ordinance similar to those in the particular section herein in connection with which such decisions are cited. Where decisions from both groups are cited in connection with a particular section of this compilation, citations from the first group are denoted by an asterisk.

STATUTES

PUBLIC LOCAL LAWS—ARTICLE 4.

CHARTER AND MISCELLANEOUS LOCAL LAWS.

BALTIMORE CITY CODE

ARTICLE IV

OF THE

PUBLIC LOCAL LAWS OF MARYLAND

CHARTER.

Mayor and City Council of Baltimore.

Corporate Name; Power to Hold Property; Annex.

1. Corporate name; corporate powers.
2. Corporate property; may receive and dispose of same.
3. Streets in Annex.
4. Taxation in the Annex; County rate of taxation not to be increased until after the year 1900.
- 4A. Terms "landed property," "until avenues" and block of ground" defined.
5. Turnpikes in Annex.

General Powers.

6. General powers of Mayor and City Council of Baltimore.

(1) Buildings.

Regulation, restriction and inspection of building operations, materials and sanitary arrangements; to make safe or remove dangerous structures or require the owners to make same safe, at expense of owners; to regulate the construction of wooden buildings and the erection and repair of buildings; Ordinance 146, October 23, 1891, legalized; to define limits

within which steps, porticos, bay-window, etc., may be erected; proviso relating to "Burnt District."

(2) Carriages.

Power to license; hackney carriages defined; breadth of wheels of vehicles.

(3) Chimneys.

Sweeping Chimneys.

(4) Condemnation of Property.

Powers of municipality to condemn private property for public use; notice to owners of property so taken; appeals from valuations; damages and benefits through condemnation; appeals from such assessments; purposes for which property may be condemned.

(5) Fire.

Power of the Mayor and City Council; pensions to firemen; retiring members; appropriations for pensions; firing of crackers prohibited; storage of gunpowder; naval stores; illuminating oils.

(6) Fish.

Sale of Fish.

(7) *Fruits, Meats, Vegetables and other Articles.*

To license and regulate sale of.

(8) *Harbor, Docks and Wharves.*

To preserve navigation and fix pier or bulkhead lines; to clean, deepen and regulate harbor; to preserve and clean basin and harbor; wharves and wharfage; fines; tax on lumber; appointment of Harbor Masters; public wharf taxes; collection of same; wharfage at city wharves.

(9) *Health.*

Powers of Mayor and City Council of Baltimore; construction and use of tenement houses.

(10) *Hospitals.*

To erect houses of correction and institutions for care and treatment of indigent poor.

(11) *Inspections.*

Power to regulate inspections of weights and measures; to assize bread; to inspect milk and food products; to provide penalties; to provide for inspectors and analysts; to provide for inspection of bakeries; candy factories, etc.; fines; inspectors.

(12) *Jail.*

To own, regulate and control same.

(13) *Jones' Falls.*

Powers of Mayor and City Council to improve; acquisition of property; condemnation; benefits and damages to be assessed; appeals; jury trial if desired; assessments to be collected; may define limits; title to land acquired; wharves; grades of streets; cost of grading and paving; issue of bonds to amount of \$2,500,000; to compel persons to build, rebuild or repair walls; in event of failure city may build at expense of owner.

(14) *Licenses.*

Power relating to licenses.

(15) *Markets.*

Power of Mayor and City Council to regulate and control; sale and lease of stalls; extension of markets; to condemn land; distraint for rents.

(16) *Parks.*

To establish, control and regulate parks; Resolution, June 4, 1860, and Ordinance, June 4, 1860, confirmed; rights vested in Board of Park Commissioners; Green Spring Avenue Road; deed of same; Board to have powers set out in this Article; Mayor and City Council to make necessary rules and regulations for parks.

(17) *Police.*

Appropriation for disabled and superannuated members.

(18) *Police Power.*

Power to preserve order, etc.; not to conflict with powers of Board of Police.

(19) *Peddlers.*

May grant permits to poor persons to peddle.

(20) *Pumps, Fountains and Springs.*

To erect and regulate.

(21) *Railroads.*

Construction of tracks on streets; May assess cost on owners of fronting lots; jury trials; may remove such tracks; fenders on street cars.

(22) *Schools.*

Power to establish; protection of school property; taxes for support of schools.

(23) *Sewers.*

Power to construct; to repair; to condemn land for sewers; to regulate drainage.

(24) *Squares, Springs and Monuments.*

To establish and regulate squares, etc.; to extend Eutaw Square; assessments and appeals; to collect assessments; notice of ordinance to be published; notice before taking action.

(25) *Stocks, Loans and Finance.*

Tax to pay principal and interest; increase of public debt; investments of sinking fund in ground rents; payment of taxes on city stock; rate of interest.

(26) *Streets, Bridges and Highways.*

(A) Opening, Extending, Widening, Straightening or closing up streets.

To provide for opening, laying out, etc., streets; to assess damages and benefits by reason thereof; appeals from decision of Commissioners; jury trial provided; collection of assessments; infancy, etc.; to acquire fee simple interest in lands; rents, revenue, arising thereout.

(B) Grade Lines of streets.

Power to change grade lines of streets.

(c) Grading, Paving, Curbing, etc., Streets (Special Ordinance.)

Powers as to grading, re-grading, shelling, re-shelling, paving and re-paving, curbing, re-curbing streets, lanes and alleys; notice of ordinance to be given; hearing, appeals and practice, as in street opening cases.

(D) Same, (General Ordinance, Application of Owners.)

Levy and collection of tax for streets graded, paved, curbed, re-paved, regraded and curbed where

a majority of owners of front feet thereon apply for such work to be done; method of assessment and collection of assessments.

(E) Levy of Tax to Pay Unpaid Assessments for Grading, Paving, etc.

Levy and collection of tax for streets heretofore graded, paved, re-paved, curbed or re-curbed; notice, appeals; procedure as in street appeals.

(F) Footways.

Grading, regulating, paving and repairing footways.

(G) Regulating Use of Streets. Obstructions and Encroachments.

To regulate use of, and preserve street as a highway.

(H) Opening Street Surface..

Regulation of same.

(I) Numbering Houses.

Numbering houses, etc., and naming streets.

(J) Regulating Use of Sidewalk and Streets by Signs, Poles, Wires, etc.

To regulate the use of sidewalks for any purpose and space above and below the same.

(K) Cleaning and Lighting Streets..

Cleaning streets; lamps and lighting.

(L) Use of Streets by Tracks, Poles and Wires.

Railroad tracks, gas pipes, poles and wires.

(M) Conduits, Electrical Commission and Rentals.

Conduits for telephone, telegraph and electric light wires; electrical commission; wires to be placed in conduits; rentals; proviso as to Ordinance No. 41, 1889.

(N) Bridges and Turnpike Roads.

To purchase, with County Commissioners, turnpike roads leading towards city.

(O) Cathedral Cemetery.

Opening streets through Cathedral Cemetery.

(P) Light Street Bridge.

Joint maintenance of lights on bridge.

(27) *Surveyor.*

Duties and Compensation.

(28) *Taxes.*

(A) Annual Levy.

To levy direct tax annually and provide by ordinance for collection thereof;

(B) Property Taxable.

To levy and collect tax on all property within city legally taxable; property exempted.

(C) Abatement to Encourage Manufactures.

Abatement of taxes on manufacturing plants and mechanical tools; to be extended to all in industry proposed to be benefited; duties of Appeal Tax Court in reference to exemptions.

(D) Collection of Taxes.

Powers in relation to collection of taxes.

(29) *Theatrical and other Public Amusements.*

Power to license and regulate.

(30) *Water.*

(A) Acquisition of Land and Water-courses.

Powers in relation to water supply; full power to effect introduction of water into city.

(B) Sale of Water.

May make contracts for use of water.

(C) Acquisition of Property and Materials by Agreement.

May agree with owners for purchase and holding of necessary land and materials for introducing water.

(D) Or, May acquire same by Condemnation Proceedings.

May condemn any interest in land or property or any materials needed in introduction of water into city; provision for summoning jury of inquisition and notice of same.

(E) Selection of Jury.

Mode of striking jurors from list of those attending.

(F) Duty of Jury.

Jurors remaining to ascertain sum to be paid.

(G) Oath.

To impartially value damages sustained.

(H) Inquisition.

To reduce inquisition to writing and return same to Circuit Court.

(I) Duty of Court.

If not confirmed court may order another inquisition; appeals.

(J) Property Condemned.

Property taken to be described and interest to be stated; when title vests in city.

(K) Selection of Jury.

Talesmen; completion of jury.

(L) Compensation of jurors and sheriff.

To receive compensation allowed jurors in Circuit Court; sheriff's fees.

(M) Water Stock.

Mayor and City Council of Baltimore may issue Baltimore Water Stock to amount not exceeding \$5,000,000; to assess water rates and enforce payment; to protect water system and prevent pollution or interference with works.

(N) Water Bonds.

Bonds to amount of \$1,000,000 may be issued ; proceeds to be used in introducing water from Gunpowder Falls.

(o) Water system in "Annex" and suburbs.

To acquire pipes and appliances of Catonsville Water Company as provided ; proviso relating to extension of system in Baltimore County ; may acquire equipment of water companies with all their powers.

(31) *Welfare and Other Powers.*

The corporation not restricted to foregoing or other enumerated powers ; penalties authorized.

Franchises.

7. Title of Mayor and City Council of Baltimore thereto inalienable.

8. Granting of specific franchises for a limited time ; certain franchises not to be granted.

Terms and Conditions of Franchises

9. Franchises not to be given for longer than twenty-five years ; at its expiration plant or property may vest in city as provided or be renewed for like term on re-valuation ; city may operate plant if desired ; city may compel compliance with terms of grant.

10. Board of Estimates to publish brief advertisement of grant or franchise applied for.

11. Municipal control of grants to be reserved.

12. Similar terms and conditions to apply to renewals.

Unused City Property.

13. City property not needed may be rented or disposed of at public sale.

Contracts with the City.

14. Proposals must be advertised for where the work or purchase of supplies involves more than \$500.

Board of Awards.

15. Bids to be opened by Board of Awards ; successful bidder to execute contract ; bids ; certified check to accompany bid ; conditions.

MAYOR.

16. Inhabitants of Baltimore to elect Mayor every four years ; election, when to be held ; qualifications of Mayor.

17. Supplementary registration of voters prior to every municipal election.

18. Vacancy,—President Second Branch to be Mayor.

19. Vacancy upon absence or sickness of Mayor, the same.

20. Term of Mayor.

20A. Checks, by whom to be signed and countersigned ; bonds and contracts, by whom to be executed on behalf of city.

21. Powers of Mayor as chief executive.

22. His duties.

23. Approval of ordinances ; veto of ordinances ; if passed by three-fourths vote after reconsideration by both branches to become law without Mayor's signature ; also if not returned by Mayor as stated ; rule where ordinance embraces different items of appropriation.

24. Mayor to confer with heads of departments.

25. Mayor shall have sole power of appointment except as other-

wise provided herein; subject to confirmation by Second Branch; Power of removal; restrictions thereto; terms of office; when to be appointed and to enter office; oath of office; test book; vacancies during recess; how filled.

26. Only one office under city to be held; municipal officials to be voters of the city.
27. Tenure of office of heads of departments, etc.
28. Power to appoint subordinates.
29. Privileges of heads of departments, etc.
30. Minority of members of bodies forming heads of departments to be of political party casting next highest vote.

EXECUTIVE DEPARTMENT.

31. Executive power, wherein vested; officials to give bond; Mayor chief executive; heads of departments may pass rules and regulations; to hold meetings; records to be kept of their proceedings;

List of Departments:—

- I Department of Finance.*
- II Department of Law.*
- III Department of Public Safety.*
- IV Department of Public Improvements.*
- V Department of Parks and Squares.*
- VI Department of Education.*
- VII Department of Charities and Corrections.*
- VIII Department of Review and Assessment.*
- IX Municipal Officers not included in any Department.*

Department of Finance.

32. Of what officials to consist; its head; powers of board; fiscal year.
33. Comptroller; qualifications; term; salary.
34. Subordinates in Comptroller's sub-department; to be approved by Mayor; duties of Comptroller; vacancy in office of; when and by whom removable.
35. City Register; how appointed; salary; removable by both branches; seal of city; Deputy Register; vacancies; proviso.

Board of Estimates.

Ordinance of Estimates.

36. Board of Estimates to be head of third sub-department of Finance; Board to make out lists of moneys to be appropriated; departmental estimates; amounts needed for the city departments; estimates for new improvements; amounts to be annually appropriated to charities, etc., fixed by ordinance; Board of Estimates to draft an ordinance appropriating monies to meet estimates so made; to be known as Annual Ordinance of Estimates; Council cannot enlarge any item therein; nor appropriate further monies for ensuing fiscal year; no temporary loan shall be authorized.

- 36A. Board of Estimates may increase or decrease salaries of municipal officials.

Grants of Franchises.

37. Franchise to be embodied in form of an ordinance; what ordinance shall contain; duties of Board in respect to

franchises ; powers of Board in relation thereto ; same provisions to apply to renewals and extensions ; Board may grant certain minor privileges in the streets, etc., in its discretion as provided ; requirements of Board in relation to such minor privileges.

38. Contingent Fund ; expenditures therefrom, to be reported ; power of City Council.

39. Private claims against city.

Tax Rate and Annual Levy.

40. Report showing taxable basis for ensuing year to be submitted to City Council ; what it shall contain ; ordinance making annual levy of taxes. —when payable ; when in arrears, interest payable.

Commissioners of Finance.

41. Members of Board ; President and Clerk ; powers of Commissioners and duties.

City Collector.

42. City Collector head of fifth sub-department of Finance ; salary ; duties ; assistants and clerks.

43. Notice of sale of property to be published ; what notice shall contain ; statement of indebtedness to be served on delinquent tax-payer and notice of distress to be given before advertising property as above.

44. Purchaser to pay taxes and costs of distress or execution.

45. If property not redeemed after a year and a day, deed to be executed.

§45a. Property sold by one City Collector and sale reported

and deed executed by his successor,

§45b. Property sold and sale reported by one City Collector and deed executed by his successor.

46. Investment of surplus in public debt.

47. Owner of lot may redeem within specified time on payment of certain sums.

§47a. Owner of reversionary interest in leasehold property sold for taxes may in certain cases be allowed to redeem same.

48. Ratification of tax sales by Circuit Court ; sale may be set aside and resale made ; application of proceeds of re-sale ; proviso.

49. Notice of sale by advertisement ; its contents.

50. Sale of chattels ; application of proceeds.

51. Advertised notice to be given of date when taxes become due ; bills to be sent by mail to taxpayers ; notice of taxes in arrear ; what said notice shall contain ; interest and penalty to be added ; expense of collecting taxes.

51A. Enforcement and collection of taxes begun by City Collector, may be completed by his successor ; duties of succeeding Collector.

Collector of State Taxes.

52. Appointment ; compensation.

53. Bond.

54. Daily deposits of State Taxes ; penalty for failure.

55. State Treasurer may examine books weekly.

56. When Governor may appoint Collector.

- 57. Commission of Collector to be levied.
- 58. City Collector to collect State Taxes.
- 58A. Certificate of the City Collector, or of the Collector of State Taxes as to the amount of taxes due to be *prima facie* evidence of amount of taxes due.

Collector of Water Rents and Licenses.

- 59. Appointment; duties; when license shall become due; proviso.

Department of Law.

- 60. City Solicitor.
- 61. His appointment; qualifications; salary.
- 62. City Solicitor the legal advisor of the Mayor and City Council of Baltimore; appointment of assistants; salaries; when Deputy City Solicitor shall act as City Solicitor; duties of Assistant City Solicitors; examination of titles.
- 63. City Solicitor to give written opinions on legal instruments to which city is a party.
- 64. Offices and office-hours of Law Department.
- 65. Employment of clerk, stenographer, etc.; duties of clerk; to keep a file of legal opinions and abstracts of titles.
- 66. Authority of City Solicitor respecting suits on behalf of city.
- 67. Traveling expenses of City Solicitor and assistants.

Department of Public Safety.

- 68. Head of Department to consist of Board of Public Safety; province of board.

Board of Fire Commissioners.

- 69. Appointment of Board; president; salaries and powers.
- 70. May retire disabled members of Fire Department; pensions for widows and children.

Commissioner of Health.

- 71. Appointment; his duties and powers; salary; may appoint subordinates and fix their compensation.
- 72. To appoint sanitary inspectors.
- 73. To appoint inspectors and analysts of bakeries, etc.
- 74. To appoint milk inspectors.
- 75. Quarantine Hospital Physician; residence; powers of Commissioner of Health in regard to quarantine regulations.
- 76. Salary of Quarantine Hospital Physician.
- 77. Appointment and duties of Vaccine Physician; to keep record and report vaccinations; other duties; salary.
- 78. Vaccine Physicians to act as health wardens of their wards.

Inspector of Buildings.

- 79. Qualifications and appointment; duties; salary.
- 80. Duties in relation to fire exits.
- 81. Persons not complying with law to be penalized.
- 82. To enforce execution of building laws.

Commissioner of Street Cleaning.

- 83. Appointment; duties; salary; to appoint subordinates and fix their compensation.

Department of Public Improvements.

- 84. Board of Public Improvements to be its head; its sphere and powers; duties of Board.

85. Board to give its opinion in writing on all ordinances for public improvements where cost exceeds \$2,000.

City Engineer.

86. Appointment; duties; qualifications required; salary and powers.

- 86A. Authority given to City Engineer in event of his sickness or absence to delegate his powers to a subordinate.

Protection of Improved Pavements.

- 86B. Notice to be given when improved pavements are to be laid; contents of notice; proviso.

- 86C. Such pavements not to be disturbed; permit required.

Water Board.

87. To have charge of water supply; Water Engineer; appointment of subordinates in this sub-department; duties of Water Board and Engineer.

- 87A. Water rates; powers of Water Board.

Harbor Board.

88. To have charge of harbor, wharves, etc.; President to be known as Harbor Engineer; latter to appoint subordinates subject to approval of Board, etc.; duties of Engineer and Board.

Inspector of Buildings.

89. Further duties; to superintend construction of municipal buildings.

Department of Public Parks and Squares.

90. Board of Park Commissioners to be its head; appointment; president; secretary; his salary and duties; duties of Board.

91. Jurisdiction of Board.

92. Powers of Board.

93. Regulating the speed of vehicles and equestrians in parks; to regulate admission of public conveyances.

94. Board conservators of peace in parks and squares.

95. Board of Police Commissioners to detail regular police on request of Board of Park Commissioners.

96. Zoological collections to be formed; powers in relation thereto.

97. Full power to employ persons necessary to preserve parks, etc., in its judgment; park fund; the requirements of section 36 of this Article to apply to said Board; proviso relating to Board entering office in 1900.

98. Night watchmen.

Department of Education.

99. Board of School Commissioners; appointment; its president; members of Board; qualifications; teachers; appointment and removal of subordinates and teachers; their salaries; schoolhouses; purchase of text books, stationery and furniture for public schools.

100. To appoint certain school officers; Superintendent of Public Instruction and Assistant Superintendents; School Visitors; duties; Supervisor of School Buildings.

Superintendent and Assistant Superintendents of Public Instruction.

101. Their duties; standing committees; to visit schools; candidates for teaching to be

examined, and graded lists prepared; nominations; advisory duties; Board to instruct.

102. School Visitors to make reports; meetings of.

Department of Charities and Corrections.

103. Organization of Department; Supervisors of City Charities and Visitors to the City Jail to compose Department.

Supervisor of City Charities.

104. To be head of first sub-department; appointment of Board; annual report.
105. Appropriations for treatment, care or support of indigent poor by institutions, etc., to be by contract, per capita; president; qualifications of Supervisors; their duties; powers in relation to appointment and compensation of subordinates.
106. No appropriation for maintenance outside of Almshouse, except as provided herein.
107. The Supervisors shall have care of poor of city; their powers in relation to destitute or neglected children; commitments to institutions; foundlings.
108. Who may be admitted into Almshouse.
109. Support, treatment and employment of paupers.
110. Supervisors may procure necessary machinery.
111. Meetings of Supervisors.
112. Correction of disorderly paupers.
113. Superintendent of Almshouse; appointment of; bond of.

114. Duties of Superintendent.

115. Purveyor of Provisions; appointment and duties.

116. Bond of Purveyor of Provisions.

117. Offenders excepted from foregoing provisions.

Visitors of the Jail.

118. Appointment; duties; to have charge of reformatory, criminal and penal institutions.

119. Meetings of Board.

120. Powers of Board.

- §120a. To examine into mental condition of convicts.

121. To supervise care of prisoners in City Jail

122. Convicts to labor.

123. Vagrants to work.

124. Other prisoners to work, when.

125. Book of accounts to be kept.

Warden of Jail.

126. Appointment; his subordinates.

127. His duties; responsibility for escape of prisoners.

128. His bond.

129. Oath.

130. Assistants to warden; duties; appointment; compensation.

131. Commitments.

132. Conducting prisoners to court.

133. To account for jail fees.

134. Annual Statement of Visitors.

135. No liquor to be brought within jail; penalty.

136. Penalty against warden.

137. Visits to prisoners only on special license.

138. Prison fare.

Convicts.

- 139. Reduction of sentence for good behavior.
- 140. Separate confinement.

Vagrants.

- 141. List of, committed by Justices of the Peace; costs.
- 142. Costs chargeable to persons committed for want of security to keep peace; costs, how accounted for.
- 143. Transfers to Almshouse.
- 144. Prisoners affected by disease or becoming insane.

Department of Review and Assessment.

- 145. Composition of Department; its head; duties and powers.

Appeal Tax Court.

- 146. Members and their appointment; term of office; salaries; clerk and employees.
- 147. To hear appeals, make transfers and correct assessments.
- 148. Assessors to discover and assess property; to make return thereof.
- 149. Their compensation.
- 150. Duties of Court before increasing assessments or adding new property; to notify owner; interrogatories; procedure in fixing assessment; proviso.
- 151. List of holders of city loans.
- 152. Court to examine and correct list.
- 153. Payment of State tax on such Loans.
- 154. Court to make list when City Register fails; City Register then to pay tax; exemptions.
- 155. Compensation of Court for this work.

- §155a. List of stockholders to be furnished by incorporated institutions; what list shall show; assessment of such stock; penalty for failure to furnish such list; list of stock held by non-residents; collections of assessments on such stock; method of valuation; penalty.
- 156. Inquiry of Court when allowances for alienations are asked for.
- 157. Interrogatories; powers and procedure of Court in such cases.
- 158. Persons removing to city to give account of personal property.
- 159. Penalty for neglect; Court to assess on its own inquiry
- 160. Duty of Court in cases of removal of personal property elsewhere.
- 161. Clerk of Court to record accurate account of property assessed.
- 162. Return of assessments of property to be transmitted to State Comptroller.
- 163. State's Attorney to inform Grand Jury of failure to transmit return.
- 164A. Power of Court to make original valuations and assessments and to revise valuations and assessments of personal property and to revise valuations and assessments of real property; to discover and assess all unassessed property.
- 164B. Failure of Clerk to perform his duties; penalty.
- 165. Clerks of courts to furnish lists of alienations and sales to Appeal Tax Court.

166. Alienee to be assessed.
 167. Court to alter and correct assessments.
 168. Register of Wills to return summary account of property held by executors, etc.
 169. Property discovered to be assessed.
 170. Appeals in City Court for review of assessments; petitions; summons; when appeals shall be taken; hearing, when; Appeal Tax Court to transmit record; practice in such appeals; jury trial or trial by court; record to be amended; assessment to be increased or reduced; certificate of record to be conclusive unless appeal is taken to Court of Appeals; no stay of levy; allowance to petitioner if assessment determined excessive; when assessment is increased by City Court, practice; appeal to Court of Appeals.
 - §170a. Mayor and City Council of Baltimore may appeal from decisions of State Tax Commissioner.
 171. Basis on which taxes shall be assessed and levied; provisos; Appeal Tax Court to deliver statement of taxable property to City Collector and Board of Estimates; tax roll; duties of Appeal Tax Court.
- Commissioners for Opening Streets.*
172. Second sub-department of Review and Assessment; appointment; tenure; salaries; duties; clerk to Board; salary; appointment of employees.
 173. Clerk to keep record of proceedings.
 174. City Register or City Collector to receive assignments from parties allowed damages.
 175. How commissioners shall proceed; notice; damages to be assessed; benefits to be assessed.
 176. Where part only of a lot shall be taken; manner of valuation; notice of sale; purchase money, when to be paid; bond of purchaser; failure of purchaser to comply; when part of lot only is to be condemned; private sale of sheds, etc.
 177. Statements to be made and published of damages and benefits assessed by Commissioners; notice of meeting for revision; to hear parties interested and make corrections; proceedings to be deposited with City Register; City Register to advertise deposit of proceedings and right of appeal.
 178. Notice to be served on parties assessed.
 179. Appeal to Baltimore City Court; when to be heard; proceedings to be delivered to said court; procedure therein; jury trial; duties of court; record of trial of appeals; appeal to Court of Appeals; costs; powers of court.
 180. When ordinance shall be set aside by court, or repealed.
 181. Proceedings where an appeal shall be taken, or after appeals are decided.
 182. Sale of assessed property, when sums assessed are not paid.
 183. How sales shall be made.
 184. Deed to purchaser.

185. Assessments to be liens until paid.
186. Payment by third parties of benefits.
187. Commissioners in special cases.
188. Fee and leasehold to be distinguished.
189. Obstructions to be removed; suit for expenses.
190. Per diem to commissioners to be assessed.
191. City Register to pay expenses.
192. Books and papers to be deposited with City Register.
193. Deeds of gifts to city from owners of beds of streets and alleys; proviso.
194. Such streets and alleys to be public highways.
195. Petitioners to state location and number of front feet of their property.

**Municipal Officers Not Included
In Any Department.**

City Librarian.

196. His appointment; duties; to arrange, classify, index and preserve municipal books, documents, etc., etc.; salary and bond.
197. Stationery and printed matter required by departments; contracts for stationery; such contracts to cover additional supplies; City Librarian to furnish stationery to the departments; to keep an account of supplies furnished; report to City Council.
198. First and second Assistant Librarian; duties; bond; salaries.
199. Record to be kept of requisitions filled; bids and contracts.

200. When library shall be kept open.

Art Commission.

201. Appointment of Commission.
202. To approve sites, designs, etc., of public improvements.
203. To give advice on designs for public structures; vacancies in Commission.

*Superintendent of Lamps and
Lighting.*

204. Appointment; duties; to have appointment of subordinates; compensation of Superintendent; salaries of subordinates.

Surveyor.

205. When to be elected; duties and compensation.

Constables.

206. To be appointed bi-ennially; duties and compensation.

*Superintendent of Public
Buildings.*

207. Appointment; duties; salary; assistants and employees.

Public Printer.

208. City Council to elect; duties; bond.

*Department of Legislative
Reference.*

- 208A. Composition of; competent statistician to be employed.
- 208B. Duty of such executive officer; to advise in preparation of bills and ordinances; to keep records accessible to general public.
- 208C. Salary of executive officer and expenses of department.

Legislative Department.

City Council.

209. Branches of City Council.

210. First Branch; qualifications of members; salaries.
211. Second Branch; qualifications members; term of office; salaries.
212. Election for members of First Branch; when held.
213. Election for member of Second Branch; term of office.
214. Election of President of Second Branch; salary; how and on what grounds President may be removed.
215. Election of members of City Council, qualifications of; vacancies in City Council.
216. Meetings of City Council; duration of sessions; when Mayor may convene City Council.
217. Absent members; compelling attendance; President of first branch; when to act as Mayor; each branch to judge of qualifications of its members; expulsion of members; rules; journals.
218. Powers of Mayor and City Council to pass ordinances.
219. Printed volumes of Ordinances and Resolutions as evidence.
220. Ordaining phrase.
221. Ordinances and Resolutions; vote necessary to pass; to embrace but one subject; when to become effective; third reading.
222. Election of president of Second Branch in case of vacancy.

MISCELLANEOUS LOCAL LAWS.

Arbitration,—Court of.

223. Board of Trade to organize court of, to decide contro-

versies between its members; controversies to be submitted in writing.

224. To elect a judge to carry out powers of the court; clerk of court; to define powers, etc., of said judge and clerk; lay arbitrators; to prescribe procedure of hearings of; to regulate costs and fees.
225. Judgment, how enforced; to be entered up by Clerk of Superior Court or Court of Common Pleas; verdict and execution thereon; where judgment is for recovery of property; writ of possession may issue.

Arbitration Committee of the Corn and Flour Exchange.

226. Election of Committee; to hear controversies submitted in writing.
227. Procedure and practice before said Committee; award to be in writing.
228. Award by agreement in writing may be final and may be enforced by writ of execution; no jurisdiction in matters affecting title to real estate; stay of judgment; striking out judgments; appeals.

Assault and Battery.

229. Between 6 P. M. and 6 A. M. penalty.
230. Pleadings, necessary averments.
231. Presentments or indictment, necessary allegations.

Auctions.

235. Duties on sales, how calculated and paid.
236. No duties on private sales.
237. Duty lien on real estate.

238. Purchaser to pay duty.
239. Sales to highest bidder.
240. Governor to appoint auctioneers.
241. Sales under \$150,000; recognizance; license.
242. License to exercise rights of general auctioneer; to make quarterly returns to Comptroller.
243. Sales over \$150,000; recognizance; license.
244. Auctioneer of books, maps, prints.
245. Auctioneer of vending horses, carriages, etc.
246. License *nunc pro tunc*.
247. Death of licensee.
248. Recognizances, how taken.
249. When State Treasurer to issue license.
250. Penalty for selling without appointment.
251. Penalty for selling without recognizance and license.
252. Penalty for sales without authority.
253. Failure to take out license, penalty.
254. Annual renewal of recognizances.
255. New security upon removal from State or insolvency of surety.
256. Forfeiture of appointment if auctioneer accepts an appointment from another State.
257. Partners to be named in writing; Penalty for failure to name partners and to designate places of business.
258. Mayor to designate places for sale of horses and carriages.
259. Auctioneer to keep registry of sale of horses sold; to deposit such registry.
260. Commissions on sales of books, etc.
261. Commission on sales up to \$150,000.
262. Commission on sales in excess of \$150,000.
263. Penalty for excessive charges.
264. Who may sell under auctioneers license.
265. Penalty for violation of provisions of this sub-division.
266. Quarterly returns to Comptroller; information to be furnished.
267. Returns to be sworn to and certified; who may sign certificate.
268. Penalty for failure to make returns.
269. Affidavit where no sales have been made.
270. Disqualification by failure to settle for duties.
271. Penalty for malfeasance in office of auctioneer; liability on bond.
272. Treasurer may prosecute.
273. False swearing in regard to matters required to be verified by oath, to be perjury.
274. \$20,000 of duties paid to city to be applied to deepening channel and harbor.
275. Disbursement of said fund.
276. What shall be paid to State Treasurer.
277. When sections 274 to 276 shall have no effect.
278. Sales of leather, iron, tobacco.

Bail.

- §278a. Court to fix amount of bail taken by clerk.

§278b. Recognizor to give particulars of property before bail is accepted.

§278c. Duty of clerk.

§278d. Formula to be followed in taking recognizances.

§276e. Recognizances to be lien on property.

§278f. Names of recognizors to be recorded.

§278g. Who may be accepted as recognizor.

§278h. Offenses not bailable; felonies and misdemeanors bailable.

§278i. Oath to be taken to determine security.

§278j. Recognizances to become records of the Criminal Court if offence is to be tried therein.

§278k. Bail to be forfeited for non-appearance.

Bills of Exchange and Promissory Notes.

§279a. When presentable.

§279b. Hours for closing banks on Saturday; when bills, checks, drafts and notes falling due on any half-holiday Saturday are payable or presentable for acceptance or payment; when notice of protest, etc. may be given; rule as to collection of negotiable paper.

§279c. Interest to be computed to next secular day.

Buildings.

280. Aisles of churches, halls and places of amusement not to be obstructed; regulation of exits; penalty; Grand Juries to investigate and police to enforce observance of regulations; lighting of sweatshops regulated; penalty; fire escapes to be provided; penalty.

§280a. Taxes to be paid on land before Appeal Tax Court shall issue building permit.

Carriages and Horses.

Hackney Carriages.

281. Fares for hackney carriages to be fixed by Board of Police Commissioners; proviso.

282. Number of carriage to be displayed conspicuously; penalty for violating sections 281 and 282.

283. Driver to inform passengers of correct number and rates of fare; penalty.

284. Penalty for extortion.

285. Special licenses for hackney carriages not using public stands.

286. Said licenses not to go upon public stands; penalty.

287. Statement to be furnished by applicants for special licenses.

288. Recovery of penalties incurred under section 283; appeals to Baltimore City Court;

289. Jury trial upon such appeals; bond to stay execution.

290. Appropriation of penalties recovered.

Horses, etc., Livery Stable Charges.

291. Livery stable keeper to hold horse, etc., until charges are paid.

292. May sell same at public auction for such charges.

293. Keeper to prove his account; Justice of the Peace to issue warrant; proviso.

Coroners, Inquests and Dead Bodies.

294. Appointment of Coroners; tenure of office; salary; oath; bond.

- 295. Appointment of Coroner at Large.
- 296. To hold inquests; certificate to City Register for burial expenses; proviso.
- 297. Report of inquests; property or money of deceased.
- 298. Distribution of dead bodies; when body is claimed; penalty for non-compliance with provisions.
- 299. Bond of physician that body will be used only for medical purposes.

COURTS.

Superior Court, Court of Common Pleas, and Baltimore City Court.

- 300. New trials; motions in arrest of judgment.
 - 301. "Paper book" of evidence not required.
 - 302. Terms of Court.
 - 303. Return days.
 - 304. Writs, when returnable.
 - 305. Renewal of writ; writ renewable until executed.
 - 306. Proceedings.
 - 307. Entry of appearance after summons.
 - 308. Pleas, when to be filed; judgment by default, when entered.
 - 309. Declaration to be filed or judgment of *non-pros* will be entered; plea to declaration.
 - 310. Trial or judgment after defendant returned summoned; proviso.
 - 311. Postponement for thirty days; when granted.
- Speedy Judgment Act.*
- 312. Entry of judgment in suits on contracts; pleas to be sworn to; certificate of counsel; defendant must make certain averments; where part of claim is admitted, judgment therefor shall be entered; practice where judgment is below court's jurisdiction; proviso.
 - 313. Affidavit to plaintiff's claim; by whom made; bond, bill or account to be filed; particulars of affidavit.
 - 314. Damages, how assessed; judgment to be entered up.
 - 315. Counsel fee to plaintiff when he recovers any of disputed portion.
 - 315A. Time for filing pleas extended.
 - 316. Bills of exception; when to be signed.
 - 317. Revisory power of court; when power may be exercised and its effect.
 - 318. Thirty day rule.
 - 319. Appeals from Justices of the Peace.
 - 320. Mayor and City Council to have right of appeal in condemnation cases; procedure in appeal cases.
 - 321. Supreme Bench to designate two judges to sit in registration and naturalization cases.
 - 321A. Rules and charges governing in naturalization cases.
 - 322. Transmission of records of proceedings to some other common law court; duty of judge in such cases.

Circuit Court of Baltimore City.

- 323. Jury in Circuit Court cases.
- 324. Opinions not required to be filed.

**Circuit Court Number Two of
Baltimore City.**

- 325. Powers of ; proviso.
- 326. Additional judge.
- 327. Additional clerk.
- 327A. In suits instituted in Circuit Courts of Baltimore, copies of pleadings to be served on opposing parties; no default until copy is served; exceptions to rule.

Criminal Court of Baltimore.

- 328. Terms of.
- 329. Trial of cases.
- 330. Jurisdiction.
- 331. Sentence for petty larceny.
- 332. Commitments, when to be returned.
- 333. Return of *capias*; endorsements thereon and reissues.
- 334. Fees for *capias*.
- 335. *Subpoenas*, when returnable by Sheriff.
- 336. Allowance for service of *subpoenas*.
- 337. Renewal of *subpoenas* by indorsement.
- 338. Penalty for failure to make returns of *subpoenas*.
- 339. Witnesses before Grand Jury, how sworn.
- 340. Costs upon acquittal.
- 341. Recovery of costs upon acquittal.
- 342. Appearance fee.
- 343. Name of prosecutor to be indorsed on presentment.
- 344. Surrender of principal by security in recognizance.
- 345. Binding out children.
- 346. Fine for absent witness.
- 347. Forfeiture of bail.

- 348. Enforcement of forfeiture.
- 349. Fee in removed cases, to State's Attorney.
- 350. Assistant counsel for State.
- 351. Pay of such assistant.

Orphans' Court.

- 352. Per diem of Judges.
- 353. Per diem of bailiffs.

Register of Wills.

- 354. Bond of.
- 355. Approval of bond.
- 356. Failure to give bond to be deemed disqualification for office.

Clerks of the Law Courts of Baltimore City.

- 357. Clerks' bonds.
- 358. Bond to be recorded.
- 359. Renewal of bond.
- 360. Effect of failure to give bond.
- 361. Who may not be sureties on bond.
- 362. Clerks to prepare indexes of judgments.
- 363. Duties in regard to licenses.
- 364. To make copies of worn or mutilated land records.
- §364a. To make new indexes of land records and conveyances.
- §364b. To prepare land indexes 1851-1888.
- 365. Copies of land records as evidence.
- 366. Original records to be preserved.

Clerk of the Criminal Court of Baltimore.

- 367. Bond of clerk.
- 368. Renewal of bond.

Clerk of the Circuit Court of Baltimore City and of the Circuit Court Number Two of Baltimore City.

369. Bond of clerk.

Salaries of Clerks of Courts.

370. Clerks' salaries payable out of fees; provision when salaries exceed fees.

371. Salary of trust clerk of the Circuit Courts.

Criers, Bailiffs, Watchmen and Stenographers.

372. Criers and bailiffs, how paid.

373. Salaries of criers.

374. Salaries of bailiffs.

375. Night watchmen of Circuit Courts.

376. Pay of watchmen.

377. Night watchman of Court of Common Pleas.

378. His salary.

379. Court stenographers; salaries.

380. Qualifications; term of office; duties; if stenographer's notes necessary, Judge may tax same in bill of costs.

381. Stenographer for Orphan's Court; when notes of proceedings in Orphan's Court shall be taken; stenographer's duties; compensation.

382. Stenographers may appoint assistants; proviso.

Sheriff.

383. Per diem of sheriff.

384. Officers' fees, collection of by execution.

385. What fees sheriff may collect.

386. Distraint or execution for fees; proviso.

Witnesses, Docket Entries, Records.

387. Allowance of compensation to witnesses.

388. Docket entries and papers as evidence; production of same to be had at trial.

Costs.

389. Cost in cases of tort; proviso.

DEAF, DUMB AND BLIND.

395. City to certify to Governor of fitness of applicant to receive instruction.

396. Duty of Governor upon receiving certificate; regulations in regard to applications and expense of instruction.

397. Appropriation for instruction; recommendation.

398. Requisites of recommendation.

399. Per capita cost and term of instruction.

400. Governor's report of disbursements hereunder.

DESTROYING PROPERTY MALICIOUSLY.

401. Penalty for malicious destruction of garments, etc.

EXAMINING ENGINEERS.

426. Board of Examining Engineers to be appointed biennially by Governor; oath; bond; location of office of Board; to advertise notice of examinations.

427. Their duty to examine and give or refuse certificates; cost of certificates; term of certificate; proviso limiting certificate to one machinery plant; substitutes.

428. Engineers must secure certificates; certain engineers ex-

cepted; Board to hear charges against engineers; certificates to be framed and displayed by holder; penalty.

429. When Board shall meet; to inspect steam plants; authority to enter and inspect plants; penalty for hindering Board.
430. Salaries of members of Board; its clerk; salary of clerk; Board to keep accounts.

FERRIES.

431. Broadway and Locust Point Ferry; powers of company operating same.
432. Haubert street wharf to be used exclusively.
433. Other boats not to use said wharf at foot of Broadway; penalty for unauthorized use.
434. Said company to erect gates and ticket houses.
435. Two ferry boats to be run; schedule of same.
436. Tariff of ferry charges.
437. Who shall pass free.

FINES AND FORFEITURES.

438. To whom to be paid.
439. Houses of ill-fame; fines from.
440. Dispensaries to receive such fines upon filing with sheriff a report of patients treated.
441. Unclaimed fines payable to city.
442. Bond of sheriff liable for his default in duties herein.
443. No security for fines; imprisonment for non-payment of fines; terms of imprisonment when fines not paid.
444. Definition of a criminal offense within the meaning of a

statute or ordinance; how prosecuted; sentence upon conviction; form of indictment.

FIRE.

Fire Department.

445. City to appropriate money for pension of superannuated firemen, and for relief of widows and children of firemen.
446. Wilful injury to apparatus to be felony; penalty.
447. Assaulting firemen in discharge of duty; penalty.

Fire Gongs in Hotels.

- §447a. Must be installed and rung in case of danger of fire.
- §447b. Size to be designated by Inspector of Buildings; how to be located and sounded.
- §447c. Who must install gongs; penalty.
- §447d. Buildings exempted.
448. Appropriations for Veteran Volunteer Firemen's Association.

ILLUMINATING OILS AND FLUIDS.

449. Oil, fire test.
450. Stamp on barrel of fire test.
451. Penalty for unlawful manufacture or sale of oil as aforesaid.
452. What buyer may recover from seller when inferior oil sold.
453. Seller's liability for accident by explosion of inferior oil; penalty.
454. Seizure and confiscation under section 451.
455. Penalty for false report of fire test by inspector.
456. Foregoing provisions not to

apply to oil for street lamps
or for export.

FISH.

457. Prohibiting sale of bass or perch under size; penalty.

GAS COMPANIES.

458. Where not to be formed.
459. Laying of mains by certain companies restricted.
460. Certain charters for gas companies annulled.
461. Price of gas.
462. Illuminating power of gas; to comply with future requirements of law as to purity.

HARBOR, DOCKS AND WHARVES.

463. Limit of wharves; Harbor Board to approve plans of extensions of wharves.
464. Penalty for extension without such approval.
465. Charges upon foreign vessels.
466. Harbor Master may sue for such charges.

Docks.

467. City's title to land made in improving docks; proviso.
468. Obstructing vessels at docks; who may remove obstructing vessel; penalty for interfering with vessels removing.
469. Entering docks when no place vacant; penalty; docks not to be obstructed; penalty.
470. Penalties for obstructing docks when not loading or unloading.
471. Manner of recovering penalties.

Wharfing and Wharves.

472. Landing wood on Pratt street Wharf.

473. Penalty.

474. Collection of penalties.

475. Fines imposed hereunder to be paid to State Treasurer.

476. City to regulate time during which goods may remain on, or vessels may remain at public wharves, and make wharfage charges.

477. Maximum wharf charges upon cord wood; penalty for charging higher rate.

478. Landing wood on State wharves.

479. Wharfage on wood so landed.

Harbor Board.

480. To control ice boat subject to order of Governor.
481. Board to appoint officers and crew of ice boat.
482. Service in which ice boat is to be used.
483. Further services of ice boat.
484. City to bear expenses of ice boat.
485. Board to make annual report

HEALTH.

Nuisances.

486. Paving streets in a state of nuisance; cost of such paving; how collected.
487. Defenses of owner of property fronting on such street against collection of cost.
488. Expenses of paving and cost of collecting same to be a lien on property chargeable therewith.
489. Procedure where such property is owned by a non-resident.
490. Recovery by non-resident of amount so collected.

491. Abatement of nuisances on vacant lots.
492. Altering unhealthy grades.

Chemical Laboratories.

493. Not to be built without consent of city.

Children's Playgrounds.

- §493a. City may contract for establishment of same.

Hospital for Infectious Diseases.

- §493b. Regulating location of a hospital for infectious or contagious diseases by ordinance.
- §493c. Character of diseases to be treated to be specified in such ordinance.
- §493d. No temporary building or hospitals for treatment of such diseases to be erected unless authorized by ordinance; proviso.
- §493e. Appropriation for Hospital for Consumptives.

Infants in Improper Homes or Care.

- §493f. License to be obtained by those caring for infants and children in homes.
- §493g. Requirements for application for such license; record to be kept of each infant received into such homes.
- §493h. Board of Health to inspect homes and examine applicants for licenses.
- §493i. Penalty for failure to procure license.
- §493j. Not to apply to persons or homes recommended by Supervisors of City Charities.

Seats for Female Employees in Stores and Factories.

505. Suitable seats to be provided; jury to determine question of compliance with this section.
506. Penalty for violating preceding section.

Tenement and Lodging Houses.

507. To provide by ordinance for their construction and use; to provide for construction of cellars.
508. Definition of term "tenement house"; "lodging house"; "cellar."

State Board of Commissioners of Practical Plumbing.

509. Registered plumbers only to be employed; Penalty for employing unregistered plumbers.
510. To work at plumbing without registry to be misdemeanor; penalty.
511. Appointment of Board; procedure of Board; to grant certificates.
512. Examination and fee for certificate; fee for renewal of certificate.
513. Application of such fees.
514. Term of office of Commissioners; oath; compensation; fees to pay compensation.
515. Board to make rules and regulations; to report to Governor biennially.

HORSESHOEING.

- §515a. Where registry is necessary.

Board of Examiners of Horseshoeing

- §515b. Governor to appoint Board; terms of office of members.

§515c. To meet and organize; make by-laws and rules; to prescribe qualifications and requirements of applicants for certificates; to grant certificates; fee for certificate; proceedings of Board to be open to public.

§515d. Persons excepted and entitled to certificate without examination.

§515e. Requirements for certificates.

§515f. Violations of provisions a misdemeanor; penalty; application of fines.

HOURS OF LABOR.

516. Eight hours a day's labor for laborers and mechanics.

HOUSES OF REFUGE AND REFORMATION.

517. Sums of money to be appropriated for support of minors committed from Baltimore city to institutions named; annual appropriations to certain institutions; additional appropriations.

518. Inspection of House of Good Shepherd.

IMMIGRANTS.

519. Masters of vessels to report data concerning aliens; penalty for failure to so report.

520. Owner or consignee of every vessel to give bond for support of aliens who may become public charges; penalty for failure to give bond.

521. Sureties on such bond.

522. Other security.

523. Security to be approved by Mayor.

524. Per capita tax on aliens landed in lieu of bond.

525. Penalty for landing aliens in evasion of regulations.

526. Penalties, how recovered.

527. Mayor may remit penalties.

528. Disbursement of commutation money.

529. Disbursement of penalties imposed.

530. City Register's per centum.

531. Representatives of foreign governments to be excepted from these provisions.

INSPECTIONS, WEIGHTS AND MEASURES.

Barrels.

532. Standard barrel for measurement of green peas or beans.

533. Such barrels to be stamped: penalty for use of barrels not stamped.

534. Inspection of such barrels by Inspector of Weights and Measures; to whom fines shall be paid.

Coal.

535. Sellers of, to provide scales; penalty for failure to provide scales.

536. Coal to be weighed; penalty for failure to weigh.

537. Policemen to direct coal to be weighed in certain cases; penalty for refusal to comply with such direction.

538. Seller to provide memorandum of weight; proviso.

539. Compensation for weighing; by whom paid.

539A. Policeman to be assigned to enforce coal law; duties and authority of such policeman.

540. Exceptions.

Gas Meters.

541. Gas companies to install efficient meters.

542. Overcharge prohibited.

543. Consumer of gas may require meter to be tested ; provisions governing tests of meters.

Gaugers of Casks and Liquors.

544. Who may be licensed as gauger ; license fee ; oath of licensee.

545. Who may not be gaugers.

546. When gauging not required ; gauger may be called in.

547. Gauging instruments ; marking casks ; specifications for casks ; forfeiture for fraud.

548. Gaugers to use Baltimore standard of wine measure ; penalty for error of gauger.

549. Penalty for altering or falsifying gauger's marks.

550. Gauger's fees.

551. Penalty for unlicensed gauging, gauging outside city limits and fraudulent gauging.

Hay and Straw.

552. Appointment of inspectors.

553. Bond of inspectors.

554. Inspectors to weigh hay.

555. To furnish certificate of inspection.

556. Inspector's fees.

557. Penalty for neglect or fraud of vender ; exceptions ; certificate of private weigher.

558. Penalty for falsifying certificate.

559. Penalty for fraud subsequent to inspection.

560. Re-weighing vehicles.

561. To weigh other articles.

562. Charges for hay allowed to remain at scales.

563. Adjustment of scales.

564. Inspectors to account under oath to Treasurer.

565. Inspector at Canton to weigh live stock ; charges.

566. To keep record of weights and monies ; to report to Comptroller under oath ; compensation.

567. May impound live stock to collect fees.

568. Penalty for inspector's neglect to weigh live stock.

569. Additional bond of inspector weighing live stock.

570. Recovery of fines.

Manure.

571. Requirements for cart-load.

Steam Boilers.

572. Appointment of inspectors of ; inspector's oath ; bond.

573. Inspectors' districts.

574. Inspector's office ; apparatus ; to give notice to users of steam boilers.

575. Owner to report location of boilers ; penalty for failure to report.

576. Inspector to give notice of inspection ; penalty for failure to assist inspector.

577. To make inspections annually ; specifications for inspections ; certificate of inspection ; to be posted in frame under glass.

578. Quarterly examination of boilers to be made by inspectors ; when certificates shall be revoked ; penalty for failure to comply with requirements of inspector.

- 579. Re-examination of boiler by reviewers.
- 580. Further restrictions ; penalty.
- 581. Examination of engineers by inspectors.
- 582. Fees for inspection.
- 583. Inspectors' records and accounts.
- 584. Salary of inspectors.
- 585. Nothing in this sub-division to conflict with authority of Mayor and City Council.
- 586. Steam boiler insurance companies ; to pay a fee for each boiler insured.
- 587. Penalty for inspector's neglect.
- 588. Vacancies in force of inspectors.
- 589. Recovery of fines.

Wood Carts.

- 590. Measurer of carts ; duties ; to give certificate of measurement ; fees.
- 591. Requirements for cord measure.
- 592. Penalty for short measure.
- 593. Oath of measurer.
- 594. Office of measurer ; to mark carts.
- 595. Measurement of wood.
- 596. Penalty for other measure.
- 597. Exception of sawed and split wood.
- 598. Further prohibitions ; penalty.
- 599. Arbitration of disputes between buyer and seller.

JONES' FALLS.

- 600. General provisions in this article in relation to streets and sewers not to apply to Jones' Falls except as in this section

provided ; proviso as to appeals.

- 601. Ordinance of January 31, 1870 made valid.

JURORS.

- 602. Selection of 750 names.
- 603. City Collector to furnish list from taxpayers.
- 604. Selection of Grand Jurors ; foreman of grand jury.
- 604A. Clerk to the grand jury.
- 604B. Clerk's oath of secrecy.
- 604C. Clerk to record testimony and proceedings and preserve secrecy of same ; State's Attorney to be custodian of minutes.
- 604D. Penalty for clerk violating three preceding sections.
- 605. Drawing of 400 names from list of qualified jurors.
- 606. Entry of names in jury book.
- 607. 100 additional jurors.
- 608. Deposit of jury books ; summoning jurors ; reserve list.
- 609. Additional jurors ; provision for.
- 610. Talesmen ; failure of talesmen to appear ; jurymen not engaged may be summoned ; rule when whole list is exhausted.
- 611. Attendance of jurors.
- 612. Successive drawings of jurors ; service by jurors on regular panels to be exempt for two years thereafter ; replenishing list of jurors.
- 613. Talesmen from regular panels.
- 614. Penalty for fraud in drawing names.
- 615. Special juries.
- 616. Sheriff's liability for violation

of provisions of this article ;
penalty.

- 617. Two judges of Supreme Bench to constitute a quorum.
- 618. Peremptory challenge of jurors by State in criminal cases.
- 619. Grand Jury to visit jail.
- 620. No advantage to be taken of failure to observe foregoing provisions ; penalty for wilful neglect in drawings.

Pay of Jurors.

- 621. Per diem of jurors ; clerk of court to furnish juror certificate of service ; City Register to pay jurors upon surrender of certificate.

Volunteer Militia Exempt From Petit Jury Duty.

- 622. When exempt ; proviso.

JUSTICES OF THE PEACE AND CONSTABLES.

- 623. Governor to appoint Justices of the Peace.
- 623A. Magistrate for Juvenile Causes ; his jurisdiction ; policemen to attend said Justice.
- 624. Bond of Justices of the Peace.
- 625. Office hours of Justices.
- 626. When Justice may issue summons in debt and damages ; penalty for improper issue of summons.
- 627. Where writs to be made returnable.
- 628. Compensation for extra services.
- 629. Location of office of Justice.
- 630. Governor to select Justices of the Peace to sit at station houses in city ; their hours of

duty ; attendance of additional Justice of the peace.

- 631. Arrests out of office hours ; collateral for appearance of person so arrested.
- 632. Duty and authority of Justices of the Peace ; petty offences ; jury trial ; commitment ; offences Justice cannot try ; bail.
- 633. Fines ; when fines not paid.
- 634. Indorsement on commitment when jury trial prayed.
- 635. Governor may change assignment of Justices.
- 636. Salary of Justices of the Peace at Station houses ; charging fees prohibited.
- 637. Temporary absence of Justice ; Substitute Justice, pay of substitute to be deducted from that of absentee ; proviso.
- 638. Leave of absence with pay.
- 639. Fees in relation to duties prohibited.
- 640. Police to serve warrants.
- 641. State writs, where returnable.
- 642. Duty of officer making arrest when warrant is returnable before station house Justice ; same where arrest is made without warrant, or warrant is not returnable before station house Justice.
- 643. Justices to account for fines, etc. and pay over State's portion to clerk of Court of Common Pleas.
- 644. To account to City Register and pay over to him City's portion of fines.
- 645. When no fines collected, to make affidavit at time for accounting.

- 646. Accounting and application of costs.
- 647. Justices of the Peace not to take *supersedeas*.
- 648. Disposition of docket and papers of Justice upon his death, resignation or removal.
- 649. Conviction of a Justice of misdemeanor to carry with it his removal; constables not to depute.

Landlord and Tenant.

- 650. Distress denied for less term than three months.
- 651. Repossession provided for.
- 652. Proceedings for re-possession; duty of Justice; trial; service of summons.
- 653. Adjournment of trial; judgment; proviso.
- 654. Dispossession and repossession.
- 655. Appeal by tenant; appeal bond.
- 656. Fees of Justices of the Peace and constables under this sub-division; penalty for charging excessive fees.

Larceny.

- §656a. Purchase of certain articles from child under sixteen prohibited, proviso.
- §656b. Penalty for such purchase.
- §656c. Not to effect section 371, Art. 27, Public General Laws.

LEGISLATIVE DISTRICTS.

Wards.

- §656d. Board of Supervisors of Elections to divide city into twenty-four wards.
- §656e. Wards to be described and numbered.

- §656f. When wards as so laid out are to become wards of city.
- §656g. Division into wards to be made within thirty days after passage of this Act.
- §656h. To divide wards into election precincts.
- §656i. To make maps of new wards and precincts.
- 657. Renumbering of wards.

Boundaries of Legislative Districts.

- 657A. Wards embraced in legislative districts.

Councilmanic Districts.

- 657B. Rearrangement of councilmanic districts of Baltimore.

LICENSES.

Billiards.

- 658. License for tables; proviso.
- 659. Penalty for unlicensed tables.
- 660. City also may tax billiard tables.

Horse Dealers.

- 661. Must procure license; license fee; contents of license; proviso.
- 662. Penalty for unlicensed dealing.
- 663. Dealers defined.

Installation of Electrical Apparatus and Wiring.

- §663a. Board of Examiners and Supervisors; purposes for which board appointed; nomination for membership on board; terms of office of members of board; vacancies in board; how filled.
- §663b. Members of Board to take oath of office; members

to elect board officers and adopt rules.

§663c. Compensation of members of board; additional compensation of Secretary of board; proviso.

§663d. Meetings of board; board to adopt rules for examination of master electricians; to adopt wiring specifications; to give notice of board meetings to applicants for licenses; statement of licenses issued.

§663e. "Master electrician" defined; license.

§663f. Who must secure license; examination of applicants; conditions and term of license; to whom license not necessary; to whom license shall not issue; appeal from decision of board; arbitration of appeals; license fee; bond of applicant; conditions of bond.

§663g. License as evidence in courts of city; period of license.

§663h. License to be renewed without re-examination; proviso; renewal fee.

§663i. Board may revoke license for cause.

§663j. Failure of bond to invalidate license.

§663k. License to be displayed in conspicuous place.

§663l. Supervision only of master electrician required.

§663m. Penalty for failure to comply with requirements of this sub-division of this article.

§663n. Licenses not assignable.

§663o. Disposition of license fees.

§663p. Annual report of board to Governor of State.

§663q. Exceptions in application of provisions of Act.

Liquor and Intoxicating Drinks.

Sale Forbidden in Certain Places.

664. Mount Vernon factories.

665. Woodberry factory.

666. Mount Royal Terrace.

666a. Walbrook Public School; no license to issue for sales in vicinity of.

§666b. Same, in territory bounded by Oak, Twenty-fourth street, Guilford avenue and Twenty-first street.

§666c. In vicinity of Edmondson avenue and Fifteenth street.

§666d. North of Druid Hill Park.

§666e. In territory bounded by Twenty-eighth street, Calvert street, north of Merrymans Lane and Jones' Falls.

667. Exceptions to regulations for sale of liquors; intoxicants defined.

668. Appointment of Board of Liquor License Commissioners by Governor.

669. Clerks to the Board; records of proceedings of Board.

670. Board to fix salaries of their clerks; salaries of members of Board.

671. To whom licenses may be granted.

672. Duration of licenses; to begin on first of May in each year; license fees.

673. Petition for license shall be published.

674. What petition for License shall contain; affidavit for petitioner; false statement in petition to be perjury.

- 675. Certificate signed by ten voters to be attached to petition.
- 676. Board to hear petitions and remonstrances; license to be revoked when fraudulently obtained, or licensee convicted in Criminal Court.
- 677. Prepayment of license fees.
- 678. Conditions under which Board issues licenses; rates of charge for licenses; proviso as to retail grocers' license.
- 679. Disposition of money received for license fees.
- 680. License to be displayed in frame under glass in licensee's place of business.
- 681. To whom licensee shall not sell.
- 682. Days and hours when sales shall not be made.
- 683. Sales by druggists and apothecaries.
- 684. Penalty for sales without license.
- 685. Penalty for licensee for violating provisions of this subdivision.
- 686. Complaints against licensee; duty of State's Attorney therein; liability of Board for license improperly granted; revocation of such license.
- 687. Authority of Board to summon witnesses; procedure when witness fails to attend.
- 688. Sales by distillers and brewers; license of wholesalers, jobbers and bottlers; how they may sell; license fee; penalty for selling without license or in violation of this section; expiration of license; disposition of fees collected.

- 689. Hotel keeper's license.
- 690. Holder may assign license; proviso as to fitness of assignee and place of business; transfer to be indorsed on license; license lost, or withheld from transferee; duplicate license.
- 691. Special permits to sell; fees for same.

Pawnbrokers.

- 692. To keep accurate accounts; what accounts shall show; property to be subject to inspection by proper officer and by Marshal of Police; penalty for disregard of these provisions.
- 693. Pawnbrokers' license; license fee; bond; penalty for failure to secure license or give bond.

Merchandise Brokers.

- 694. License; license fee.

Real Estate Brokers.

- 695. License; names of all members of firm to be inserted in license; license fee.
- 696. Penalty for acting as real estate broker without license; what shall be deemed violation of this section.
- 697. Devolution of license upon death or removal of licensee; license may be assigned.
- 698. Transfer of license.
- 699. Separate license for each office required.
- 700. Attorneys-at-law require no license.

Stevedores.

- §700a. Master stevedores to obtain license; penalty for failure to obtain license.

Duty of Sheriff and Clerk of Court.

- 701. Sheriff to make alphabetical list of those whose business requires a license; to advertise expiration of licenses; his fee; effect of failure of Sheriff to advertise.
- 702. Clerk of the Court to write location on face of license; restrictions upon licenses.

Mariners and Charitable Marine Society of Baltimore.

- 703. Intestate mariners without heirs; disposition of property of.

Markets.

- 704. Purchase in markets to sell again, unlawful, penalty for such purchase; proviso as to merchant or shopkeeper selling in his store.
- 705. Summary punishment of offenders against provisions of preceding section.
- 706. Requirements for weight of butter.
- 707. Growers and producers exempt from market fees.
- 708. Penalty for market officer collecting illegal fees.
- 709. Mayor and City Council may purchase land for markets; condemnation proceedings.
- 710. Notice in condemnation to infant, lunatic or *feme covert*.
- 711. Notice to non-residents.
- 712. Striking off condemnation jurors.
- 713. Jurors to take oath to value impartially.
- 714. Duty of jury in assessing damages.

- 715. Jury to reduce inquisition to writing and sign same; court to confirm inquisition.
- 716. New inquisition.
- 717. What inquisition shall contain.
- 718. Additional jurors when those summoned fail to appear.
- 719. Per diem of jurors.

Mortgages.

- 720. Where mortgage contains assent to degree of sale; sale under such mortgage.
- 721. Procedure in such sale.
- 722. Validity of such sales.
- 723. Trustee's report of sale.
- 724. Allegations against sale.
- 725. Voiding sales when allegations sustained.
- 726. Docket entries and recording decrees; Clerk's fees.
- 727. Docket entry of assignment of decree to have same effect as assignment or conveyance of mortgage interests.
- 728. Effect of satisfaction of decree; order or direction of satisfaction.
- 729. New trustees; proceeds of sale; distribution of proceeds.
- 730. Sales under General Law; notice of such sales.
- 731. Duty of Court in case of default before decree; statement of claim verified by oath required.
- §731a. Deficiency in proceeds of sale; decree *in personam* to be entered.
- 732. Application of sections 722-729 to section 731.

Notaries Public.

733. Number of Notaries Public Governor may appoint.
- 733A. Additional Notaries Public may be appointed.
- §733A,a. Appointment of 20 additional Notaries Public authorized.
734. Eligibility of appointees.

Oysters.

735. Licensed measurers; license fee; oath of measurer; measurer's fees; penalty for violations of this section.

Parks and Squares.

736. Zoological collection to be formed by Board of Park Commissioners.
737. To receive subscriptions and issue stock therefor to provide for said collection.
738. Subscribers to receive free entrance tickets.
739. Issue of bonds to provide for new park in southwestern part of city; issue of bonds to be approved by voters; interest on bonds; annual tax to pay interest.
- §739a. Limiting height of buildings in vicinity of Washington Monument.

Park Improvement Loan.

- §739b. Authority to issue stock for extension of Baltimore's park system; issue to be submitted to the vote of its citizens.
- §739c. Power to acquire property by gift, purchase, etc.; condemnation proceedings therefor; notice to owners; right of appeal by interested parties.

§739d. Municipality exempted from restrictions of Ch. 353, Acts 1902.

§739e. Payment of interest on loan authorized.

§739f. Proceeds of loan to be expended equally in four quarters of city.

Police Commissioners.

Organization of Force.

740. Appointment of Board; term of office; salary; successors; bond; oath; oath to be recorded.
741. Officers of Board; their votes to be recorded; minute book; vacancies in Board; how filled.
742. Secretary to Board; his duties; bond; salary.
743. Assistant secretary; salary.
744. Duties of the Board; to be conservators of the peace; to provide police at fires, etc.; to enforce laws and ordinances; duty when breach of peace is apprehended; jurisdiction in making arrests; may summon witnesses and administer oath.
745. Board to enroll, arm, equip and regulate police force; of what officers and men force shall consist; pay of members of force; proviso as to provisions of Act 1900, ch. 16 remaining in force.
- 745A. Appointment of Police examiners; salary of examiners; their oath.
- 745B. Election of officers of Board; secretary to board; his salary.
- 745C. Office of Board; supplies for Board.

- 745D. Board to make rules and regulations which shall have force of law; examiners to report names of candidates for appointment to Police Force to Board of Police Commissioners, by graded lists; competitive examination for candidates; character of such examination; lists to be open to inspection of public.
- 745E. Statement of applicant for position; character of applicant to be certified to; disqualifications.
- 745F. Appointments, promotions, removals, etc.; no appointment or promotion to be made unless such name is on graded list.
746. Clerk to marshal; his salary and bond.
747. Board to make annual estimate of expenses; Mayor and City Council to levy tax to meet same; to be known as police tax; Board to make requisitions on Comptroller; Board may issue certificates of indebtedness whenever Mayor and City Council fail to provide funds for department, or when inadequate provision made; proviso limiting such issue.
748. Duty of Sheriff when called on by the Board; *posse comitatus*; Board may call out militia; Board may assume supreme control of conservators of the peace; penalty for disobedience of its orders.
749. Board to fill vacancies; to make rules and regulations; relief of members of force and their families in case of injury in line of duty; may require policemen to give bond; may suspend or fine policemen; may suspend rules.
750. No extra compensation to police; police fund; penalty for misuse of money received.
751. Board to keep full record of their proceedings; records to be open to inspection.
752. Treasurer of Board; his bond; to make semi-annual account; to file copy of account in office of Secretary of State.
753. When Board may close saloons; policemen to report to Grand Jury when such order to close is disobeyed.
754. Board to take rights of former police force; to use property of city belonging to the police department.
755. Police to report property seized or found to Board; penalty for failure to so report.
756. Board empowered to retire policemen; retirement pay; when Board may suspend payment.
757. Release of persons confined only on proper authority.
758. Park police.
759. Effect of provisions of this sub-division on powers and duties of Mayor and City Council.
- §759a. Police not to perform other than police duties.
760. Immediate examination after arrest, of all persons.
761. Arrest of drunk and disorderly persons; penalty for possession of concealed weapons when so arrested; proviso as to peace officers.

762. Penalty for carrying concealed weapons.

763. Leave of absence with pay for policemen.

764. Additional probation officers.

Matrons at Station Houses.

765. Appointment of matrons, superintendent of matrons and substitute matrons.

766. Recommendations required; terms of service; conditions of service.

767. Duties of matrons and superintendent of matrons.

768. Salaries of matrons and superintendent of matrons.

Militia.

769. Command of, when called out by Board or Sheriff.

Patrol Wagons.

770. Board to maintain patrol wagons.

Physicians to the Police Force.

771. Appointment of physicians; qualifications of chief physician.

772. Duties of physicians to Police Force.

773. Salaries of chief physicians and assistants.

Races.

774. Commissioners may detail police at Jockey Club race track.

Registration of Voters.

775. Police at registration offices.

Special Fund.

776. What monies shall constitute fund.

776A. Trustees of fund; treasurer; bond of treasurer; annual

report on fund to Mayor and City Council.

776B. Fund and salaries payable therefrom to be exempt from execution; penalty for fraud in regard to fund.

776C. Additional monies constituting fund; deficiency in fund; how provided for; Board as trustees of fund may receive bequests.

§776C,a. Additional revenues for said fund, from permit fees for public dances, soirees, masked balls, boxing or athletic contests, etc.; permit fees; penalty for failure to secure permit; regular dancing schools excepted; annual license for such schools.

776D. Board to pay allowance to widow of member.

776E. Period during which salaries granted under certain Acts shall be paid.

776F. Requirements for certificate of disability.

777. Pensions to retired policemen; proviso as to service; penalty for immoral living.

777A. Conditions under which police matrons are made beneficiaries of said fund.

777B. Secretary and Assistant Secretary of Board also to participate in benefits of said fund.

§777B,a. Appropriation for relief of members of force and for relief of widows and children.

778. Authority of Board extended to police patrol boat.

779. Board to provide for new station houses.

780. Pension to James M. Moore.

Long Bridge.

781. Jurisdiction of Board over Long Bridge.

Telegraph to House of Correction

782. Mayor and City Council to maintain.

Thieves and Pickpockets.

783. Arrest of, at depots and public places; penalty; conviction of common thieves; discretion of Justice of Peace restricted.

784. Arrest of, on property or premises of railroads, etc.; bail, trial, etc.; police and employes of railroads to make arrests; proof; penalty.

Personating Policemen,

785. Misdemeanor to impersonate policeman; or display badge, etc.; penalty.

New Station Houses.

786. Board to acquire ground for, in Annex.

787. Where title to such ground to vest.

788. Ground to be paid for from special fund.

Pratt Free Library.

789. Appointment of visitor to; duties of visitor.

§789a. Library to receive bequests

790. Property, funds and franchises of Library exempt from taxes.

RAILROADS.

Safety Gates.

791. Safety gates at street crossings required; operation of gates.

792. Penalty for violation of provisions relating to gates.

§792a. Railroads must issue coupon tickets.

§792b. Tickets for passage through Baltimore must permit stop-over there.

§792c. Duration of stop at principal station in Baltimore.

§792d. Penalty for violation of provisions relating to tickets and stops.

Hours of Labor.

793. Limited to twelve in each day.

794. Attorney General to proceed against charters of corporations violating these provisions.

795. Money penalty.

Street Railway Fares.

796. Rates of fare; transfers.

Park Tax.

797. Nine per cent. tax on gross receipts; when to be paid.

798. Board of Park Commissioners may examine accounts of railway companies; penalty for obstructing such examination.

799. Penalty for default as to park tax.

800. Penalty for false certification as to amount due as park tax.

§800a. Provisions for modification of park tax in the event of the

acquisition by the city of certain easements now owned by United Railways and Electric Company in streets in the Annex, in event of said railway company applying for franchises in said streets; franchises granted hereunder by Board of Estimates may be in perpetuity where original franchises were also perpetual.

§800b. Upon acquisition of the easements owned by said railway company the Board of Estimates may grant said Railway company street railway franchises in said streets for a sum not less than the cost to the city of said easements.

Prohibiting Tracks on Certain Streets.

801. Streets or parts thereof on which tracks are prohibited; proviso as to crossing such streets.

§801a. Prohibiting tracks on portion of Lombard street; proviso as to crossing said street.

RECORDS.

802. Duty of Clerk of Circuit Court to prepare new index; plan of index to be approved by Supreme Bench.

803. New index to be made upon plan as adopted.

804. Renewals of worn-out records.

805. Cost of new index and records, how paid.

SABBATH.

806. Sales of ice on Sabbath prohibited.

807. Penalty for sales on Sabbath.

SCHOOLS.

Intestates' Estates.

808. Orphans' Court may claim such estates.

809. Administrator of such estate to give notice by advertisement.

810. Release to administrator.

811. Terms of release.

812. Restoration when legal representatives appear.

813. Not to effect Charitable Marine Society.

Johns Hopkins University.

814. Its power to establish branches and hold property.

815. May confer degrees.

McDonough Educational Fund and Institute and Other Institutions.

816. City may issue stock for one million dollars; to provide for same by ordinance to be approved by legal voters; maturity of such certificates of stock; interest.

Text Book Upon Civil Government.

§816a. Board of School Commissioners to furnish same.

SEWERS.

817. Penalty for obstructing sewers.

818. Power of Mayor and City Council to construct; procedure; damages; appeals; benefits.

819. Benefits to be a lien on property benefited.

820. Permit required for private sewers.

- 821. Notice to be advertised before passing ordinance for construction, etc. of sewers.
- 822. Notice also before acting under ordinance.
- 823. Provision for payment of city's portion of cost.
- 824. Five million loan for streets, sewers, parks and schools.

New Sewerage System.

- §824a. Sewerage Commission; municipal officers not eligible to appointment on same; compensation of members; to have custody of maps, plates, etc.; its meetings to be public.
- §824b. Duties of commission; preliminary investigations; to adopt a sewerage system; to construct sewers, buildings, plants, etc.; Governor to execute deed or deeds; to incorporate all existing public sewers and drains in said system; to appoint chief engineer; to frame and enforce rules, etc.; to make contracts; to obtain machinery, tools, etc.
- §824c. Municipality's right to acquire lands and property necessary to said system; condemnation proceedings therefore; right of appeal therefrom by owners.
- §824d. Removal of obstructions to sewerage system; cost of adjusting private drains and sewers to be borne by Mayor and City Council.
- §824e. Work costing over a certain sum to be done by contract; tests of eligibility for positions under Sewerage Commission.
- §824f. City to issue bonds to provide money; "New Sewerage

System Fund"; annual appropriations in Ordinance of Estimates; city to lay tax to redeem stock.

§824g. Owners to connect house drains with system as completed; owners to keep drainage connections free.

§824h. City Librarian to preserve records, etc., of Sewerage Commission.

SHERIFF'S FEES.

825. What fees allowed.

STOCKS, LOANS AND FINANCE.

826. To indorse bonds of Baltimore and Eastern Shore Railroad Company; proviso as to amount.

Electrical Commission.

§826a. Million dollar loan to carry out extensions provided for in certain ordinances.

Municipal Lighting Plant.

§826b. City to issue bonds for; to submit ordinance to people.

STREETS, BRIDGES AND HIGHWAYS.

Opening Streets.

827. Decree of Court for payment into court of damages awarded to persons not *sui juris*; such payment to release city from further liability.

828. Notice by advertisement before ordinance shall be passed under section 6 of this Article; map of proposed improvements to be prepared.

829. Notice of object of ordinance to be advertised.

830. Who shall be treated as owner of property.

- 831. Opening according to division among joint owners.
- 832. All streets to be public highways when opened.
- 833. Assessment of cost of cleaning private wharves and streets.

Grades of Streets.

- §833a. Establishing street and alley grades.
- §833b. City Surveyor's compensation for same.
- 834. Alteration of grade on certificate of Commissioner of Health.
- 835. Status of turnpikes in City limits.
- 836. Conditions of acceptance of bed of Eutaw Place extended.
- 837. Tracks on streets crossing said street not prohibited.

North Avenue.

- 838. North Avenue to be a public street.

York Road.

- §838a. Prohibiting cobble stone and macadam paving thereon.

Bridges and Highways.

- 839. Uncompleted county bridges in annex to be completed by city; Long Bridge is to be kept in repair by city.
- 840. Opening, etc., of streets, etc., in Baltimore, to conform to plan of Topographical Survey Commission; said Commission to make rules, etc.
- 841. Title of Mayor and City Council to streets in annex.

Annex Improvement Loan and Commission.

- §841a. City to issue stock to improve Annex; ordinance authorizing same to be approved by legal voters.
- §841b. Annex Improvement Commission; compensation of members; secretary; his salary; power to employ assistants.
- §841c. Other powers of Commission.
- §841d. To secure maps, etc., for its guidance.
- §841e. Commission to act as agent for municipality in acquiring property necessary; authority of Mayor and City Council to condemn property.
- §841f. Abutting property owners liable for cost of sidewalks.
- §841g. Authority of Commission to contract and employ help.
- §841h. Mayor and City Council to provide for sewerage and drainage in Annex.
- §841i. Commission to turn over portions of work as completed.
- §841j. Commissioners for opening streets may act in their capacity.

"Paving Commission and

\$5,000,000 Paving Loan"

- §841k. Paving Commission to be appointed by Mayor; Mayor to be member thereof, ex-officio; its term of office; when appointments to Commission may be made by Mayor without confirmation; qualifications and removals; vacancies, how to be filled;

Commission to serve without compensation, except chairman; organization of Commission; salary of chairman; dis duties; secretary; salary and duties of secretary; meetings of Commission.

§841l. Commission to grade, pave, etc., streets, etc., of City; to adopt plan for this purpose; to have all necessary powers; powers conferred upon Commission enumerated; preliminary work; to plan street improvements to do the work of grading and making necessary pavements, etc.; proviso as to plans of Sewerage Commission; to utilize existing public improvements where expedient; to employ necessary experts, agents, assistants and labor; to require indemnity bonds; City Engineer to be chief engineer; to make rules and regulations, contracts; to obtain machinery and tools.

§841m. Acquisition of property to further improvements; procedure in case condemnation proceedings are resorted to.

§841n. Individuals and corporations required to adapt their buildings, structures, works, conduits, mains, drains, etc., to the plan of improvements contemplated under this Act; penalty for refusal.

§841o. Contracts to be awarded in accordance with sections 14 and 15 of Charter; labor of residents to be preferred where practicable; when day labor may be employed; merit system in selection of employees; may reject all bids.

§841p. Stock issue not exceeding five million dollars authorized; not more than one million to be issued annually; sinking fund; appropriations; manner of disbursing appropriations made for the work of Commission; issue of stock to be approved by legal voters; sinking fund to be created.

§841q. Assessment of cost of improvements contemplated by Act; cost of cross streets; how assessments are to be paid; lien of assessments; collection of assessments; notice and hearing in fixing assessments; appeals; Mayor and City Council of Baltimore to pass necessary ordinances to effectuate objects of this section; application of money derived from assessments.

§841r. Street railway companies to pave space between tracks and two feet on either side thereof of streets occupied by their tracks and this Act not to modify their existing legal obligations.

§841s. Duties and powers of certain heads of departments to continue as at present and streets when completed are to be turned over to care of proper officials; provisions for closing work of the Commission.

§841t. Repeal of Act 1900, ch. 523.

§841u. Mayor and City Council authorized to enter into an agreement for the disposal of street sweepings, dirt, ashes, garbage, etc.

SURVEYOR.

842. Plat of city to be evidence.

TAXES.

Limitations.

843. All taxes to be collected within four years.

TENANT FOR YEARS OR LESS OR AT WILL.

844. Notice to "tenant from year to year."
845. Notice to tenant for less than a year.
846. Notice to tenant at will or otherwise.
847. Tenant's notice to landlord.
848. Notices to be in writing; service of notice.
849. What notice shall contain.
850. Rights of landlord under notice.
851. Special notice by agreement.
852. Jurisdiction of Justices of the Peace.
853. Service of summons.
854. Interrogatories to tenant.
855. Answers of tenant; when to be made; effect of failure to answer; further time for answering.
856. Service of interrogatories.
857. Damages against tenant when judgment in favor of landlord.
858. Damages when judgment for tenant.
859. Tenant holding over after notice to quit to pay double rent.
860. Appeals to City Court; appeal bond.
861. City Court has jurisdiction only on appeal.

862. No reversal for error of form.
863. Appeals to be tried at first term.
864. Rights of representatives of lessor and lessee.

VAGRANTS, PAUPERS, BEGGARS, VAGABONDS AND DISORDERLY PERSONS.

865. Warrant for arrest of such to issue upon information.
866. Pauper defined; habitual beggar; vagrant.
867. Police may on request arrest without a warrant.
868. Place to which pauper, beggar, etc., to be committed; proviso as to aged or infirm.
869. Place of commitment in discretion of judge.
870. Officers of places of commitment shall detain such persons for term committed.
871. Employment to be provided for persons committed.
872. Period of detention for first, second and subsequent offenses.
873. Supervisors of City Charities to make rules and regulations for corrective institutions.
874. Notice to parents of arrest of vagrant minors.
875. Minors may be apprenticed.
876. Minors defined.
877. Concurrent jurisdiction of Orphans' Court over minors.
878. Criminal Court may try vagrants and beggars; jury trial if demanded.

879. Jury trial of cases brought before Justice of the Peace or Orphans' Court.
880. Fees for issuing and serving warrants and commitments; costs against informer on acquittal.

VAGRANT, DEPENDENT AND VICIOUS CHILDREN.

881. Minors in saloons, dance-halls, etc.; penalty for proprietor admitting such minors.
882. When parent or custodian of children deemed incapable of their care.
883. Vagrant, dependent, vicious children defined; arrest and commitment of such children; proviso as to children selling newspapers.
884. Penalty for persons pretending to be parents.

Boy's Home.

885. Objects of Boy's Home Society.

St. Martha's Episcopal House.

- §885A. Mayor and City Council to make annual appropriation for.
886. Certain institutions named to have powers conferred by General Law on juvenile institutions.
- 886A. Supreme Bench to appoint probation officers; their salaries; to be deemed officers of the various courts; to have authority of conservators of the peace.

- 886B. Duties of probation officers; to visit juvenile institutions.

WAITRESSES IN PLACES OF PUBLIC AMUSEMENT.

900. Their employment or presence in, prohibited.
901. Penalty, forfeiture of license and fine or imprisonment.

WATER.

Lake Roland, Reservoirs and Dams.

902. Penalty for pollution of reservoirs, etc.
903. Penalty against erection of any agency of pollution.
904. Penalty for injury to water system.
905. Recovery of penalties imposed.
906. Collection of fines not to affect right of action for damages.

PROVISOS LIMITING THE OPERATION AND EFFECT OF THIS ARTICLE.

SECTION 2. Not to affect or impair vested rights; Proviso as to rights repealable or revocable before this Act; effect of Charter on pending suits and actions.

SECTION 3. Effect of Act upon existing law; Acts of 1898 unimpaired by this Act; extra territorial effect of Act defined.

SECTION 4. Effect of Act on tenure of office.

CHARTER.

MAYOR AND CITY COUNCIL OF BALTIMORE.

Corporate Name, Power to Hold Property, Annex.

P. L. L., (1860) Art. 4, sec. 1. P. L. L., (1888) Art. 4, sec. 1.

1. The inhabitants of the City of Baltimore are a corporation, by the name of the "Mayor and City Council of Baltimore," and by that name shall have perpetual succession, may sue and be sued, may purchase and hold real, personal and mixed property and dispose of the same for the benefit of said city, as herein provided, and may have and use a common seal, which may be altered at pleasure.*

Corporate name.

Corporate powers.

Mayor & C. C. of Balto. *v.* State, 15 Md. 376. State *v.* Graves, 19 Md. 351. Horn *v.* Mayor & C. C. of Balto., 30 Md. 218. Pumphrey *v.* Mayor, &c., of Balto., 47 Md. 145. Ireton *v.* Mayor, &c., of Balto., 61 Md. 432. Dugan *v.* Mayor, &c., of Balto., 70 Md. 1. Balto. City *v.* Merryman, 86 Md. 591. Balto. City *v.* Gorter, 93 Md. 6. Davidson *v.* Balto. City, 96 Md. 511. Balto. City *v.* Beck, 96 Md. 190.

P. L. L., (1860) Art. 4, sec. 2. P. L. L., (1888) Art. 4, sec. 1.
1888, ch. III.

2. All the property and franchises of every kind belonging to, or in possession of the Mayor and City Council of Baltimore are vested in said corporation. The said corporation may receive in trust, and may control for the purposes of such trust all moneys and assets which may have been or shall be bestowed upon it by will, deed or any other form of gift or conveyance in trust for any general corporate purpose, or in aid of the indigent poor, or for the general purposes of education or for charitable purposes of any description within the said city, and the

Corporate property.

*NOTE.—As to powers of the municipal corporation generally, *see*,

M. & C. C. of Balto. *v.* Howard, 20 Md. 335. Mayor, &c., of Balto. *v.* Poultney, 25 Md. 107. Mayor, &c., of Balto. *v.* Groshon, 30 Md. 436. Hagerstown *v.* Sehner, 37 Md. 180. Groff *v.* Mayor, 44 Md. 67. Mayor, &c., of Balto. *v.* Reitz, 50 Md. 574. Heiskell *v.* Mayor, 65 Md. 148. State *v.* Rowe, 72 Md. 548. Lake Rol. Elv. R. R. Co. *v.* Balto., 77 Md. 352. Revell *v.* Annapolis, 81 Md. 1. M. & C. C. of Balto. *v.* Keeley Inst., 81 Md. 106. Mealey *v.* Hagerstown, 92 Md. 741. Packard *v.* Hayes, 94 Md. 233. Murdoch *v.* Strange, 99 Md. 104. Cambridge *v.* Water Co., 99 Md. 502.

See note to sec. 1, Art. 1 (Statutes) City Code (1879.)

May receive
and dispose
of same.

said corporation may dispose of, in the manner and upon the terms in this Article provided, any property belonging to it.

Exrs. of McDonough *v.* Murdoch, 15 Howard 413. *Darlington v.* Mayor & C. C. of Balto., 51 Md. 1. *Gregg v.* Mayor & C. C. of Balto., 56 Md. 256. *Barnum v.* Mayor & C. C. of Balto., 62 Md. 275. *Davidson v.* Balto. City, 96 Md. 511. *Cf.*, *Johnson v.* Frisbie, 29 Md. 76. *Kilpatrick v.* Mayor, 81 Md. 179.

P. L. L., (1888) Art. 4, sec. 4. 1888, ch. 98.

Streets in the
Annex.

3. All the provisions of the Constitution of the State and of this Article shall be applicable to the portions of Baltimore County, which, under the terms and provisions of the Act of 1888, Chapter 98, have been annexed to the City of Baltimore. All streets, avenues or alleys lying in any portion of Baltimore County, which, under the provisions of said Act of 1888, Chapter 98, became a part of Baltimore City, and which shall have been legally condemned as streets under the provisions of the Acts of Assembly of Maryland relating to streets in Baltimore County, shall be held to be validly constituted streets of Baltimore City in all respects as if the same had been legally condemned as such by the Mayor and City Council of Baltimore; and all proceedings for the laying off, opening, grading and construction of streets, avenues or alleys, which shall have been begun under Article 3, of the Public Local Laws, title "Baltimore County," sub-title "Streets," shall be proceeded with and completed under said Article and sub-title.*

Daly v. Morgan, 69 Md. 460. *Chilton v.* Brooks, 71 Md. 452. *Murgiondo v.* Hoover, 72 Md. 12.

1888, ch. 98. P. L. L., (1888) Art. 4, sec. 5.

4. Until the year nineteen hundred, the rate of taxation for City purposes upon all landed property situated within the said territory annexed to Baltimore City by the Act of 1888, Chapter 98, and upon all personal property liable to

*NOTE.—As to effect of Annexation Act on rights of turnpike companies in bed of streets in annexed territory and powers of the Mayor and City Council of Baltimore in relation to streets occupied by such companies, *see*,

taxation in said territory, whether owned by persons, corporations or otherwise, and upon which taxes would be paid to Baltimore County, if said territory had not been annexed to the said City, shall at no time exceed the tax rate of Baltimore County for the year eighteen hundred and eighty-seven; and until the year nineteen hundred there shall not be, for the purpose of City taxation, any increase in the present assessment of such property as it is now assessed; and all property in the said territory which is not now assessed, but which may be within the same period liable to assessment, shall be assessed at the same rate as similar property is now assessed in said territory; and during the said period, up to the year nineteen hundred, the City of Baltimore shall expend within said territory an amount at least equal to the amount of revenue derived from taxation on the basis herein set forth from the said territory, in affording to the residents within said territory the rights and privileges accorded to and enjoyed by the residents within the other wards of said city; but nothing in this section shall be so construed as to require the expenditure by said City of any greater sum. From and after the year nineteen hundred, the property, real and personal, in the said territory so annexed shall be liable to taxation and assessment in the same manner and form as similar property within the other wards of said City may be liable; provided, however, that after the year nineteen hundred, the Baltimore County rate of taxation for the year eighteen hundred and eighty-seven shall not be increased for City purposes on any landed property within said territory until avenues, streets or alleys shall have been opened and constructed through the same, nor until there shall be upon every block of ground so to be formed, at least six dwelling or store houses ready for occupation.

Taxation in the Annex.

County rate of taxation not to be increased until after the year 1900.

Baltimore & Jerusalem Turnpike Co., *v.* Mayor & C. C. of Balto., Daily Record, April 24, 1890. Roberts *v.* Loyola Perm. Bldg. Asso., 74 Md. 1. Murphy *v.* McEney, 77 Md. 80. Mayor & C. C. of Balto., *v.* Turnpike Co., 80 Md. 541. Ulman *v.* Charles St. Ave. Co., 83 Md. 138. Park Tax Case, 84 Md. 1. Baltimore City *v.* Broumel, 86 Md. 155. U. Rys. Co. *v.* Hayes, 92 Md. 490. Upshur *v.* Baltimore, 94, Md. 754. Balto. City *v.* Balto. Co. Water & Elec. Co., 95 Md. 241.

Daly *v.* Morgan, 69 Md. 460. Sindall *v.* Mayor & C. C. of Balto., 93 Md. 526. U. Rys. & Elec. Co. *v.* Balto. City, 93 Md. 630. Balto. Belt R. R. Co. *v.* Baltimore, 93 Md. 638. Goebel's Case, 93 Md. 749. Kuenzel's Case, 93 Md. 750. Gittings *v.* Baltimore, 95 Md. 420. Baltimore City *v.* Poole, 97 Md. 71, 72. Joestings *v.* Balto. City, 97 Md. 590. *Cf.*, Groff *v.* Mayor, 44 Md. 67. Baltimore *v.* Rosenthal, 102 Md. 298. Hiss *v.* M. & C. C. of Balto., Daily Record, July 10, 1906, to be reported in 103 Md.

1902, ch. 130.

Terms "landed property," "until avenues," and "block of ground" defined.

4A. And it is hereby enacted, that the terms "landed property," "until avenues, streets or alleys shall have been opened and constructed," and "block of ground," as used in the preceding section, shall be construed as follows: "landed property" shall be construed to mean real estate, whether in fee simple or leasehold, and whether improved or unimproved; "until avenues, streets or alleys shall have been opened and constructed," shall be construed to mean, until avenues, streets or alleys shall have been opened, graded, kerbed and otherwise improved from kerb to kerb by pavement, macadam, gravel, or other substantial material; the words "avenues," "streets," and "alleys," being herein used interchangeably; "block of ground" shall be construed to mean an area of ground not exceeding two hundred thousand superficial square feet, formed and bounded on all sides by intersecting avenues, streets or alleys, opened, graded, kerbed and otherwise improved from kerb to kerb by pavement, macadam, gravel or other substantial material as above provided; provided, however, that nothing in this section shall be construed to affect the tax levy for the year nineteen hundred and two.*

United Railways, etc. Co. *v.* Baltimore City, 93 Md. 630. Joestings *v.* Baltimore City, 97 Md. 591. Storck *v.* Baltimore City, 101 Md. 476. M. & C. C. of Balto. *v.* Rosenthal, 102 Md. 298. Hiss *v.* M. & C. C. of Balto., 103, Md., Daily Record, July 10, 1906.

*NOTE:—*Landed Property.* Property in a section of the City completely built up and enjoying advantages of property in the old City limits is not "landed property" within the meaning of the Foutz Act, and must be taxed as property within the old City limits.

Hiss *v.* Mayor and City Council of Baltimore, Daily Record, February 8, 1906.

P. L. L., (1888) Art. 4, sec. 6. 1888, ch. 98. 1890, ch. 468.

5. The annexation to the City of Baltimore of the territory described in the Act of 1888, Chapter 98, shall not affect the right of any turnpike or toll-road company heretofore chartered by this State from collecting tolls upon such parts of their said roads as lie within said territory, nor shall any provision in the charter of said companies which prohibits the erection of a toll gate within one mile of Baltimore City, operate to require the removal of any toll-gates now located within said territory. But the Mayor and City Council of Baltimore shall have the power to purchase or condemn from said companies such portions of their several turnpike roads as lie within the City, or to arrange with the said companies for the removal of their turnpike gates beyond the City limits, and to appropriate such sums of money as may be necessary to carry out these objects.

Turnpikes in
the Annex.

M. & C. C. of Baltimore *v.* Turnpike Co., 80 Md. 541. *Ulman v. Charles St. Ave. Co.*, 83 Md. 138.

GENERAL POWERS.

6. The Mayor and City Council of Baltimore shall have full power and authority:

Baltimore City *v.* Gorter, 93 Md., 1.

(1) BUILDINGS.

P. L. L., (1860) Art. 4, secs. 29, 823, 864, 943. P. L. L. (1888) Art. 4, secs. 121-124. 1892, ch. 10. 1904, ch. 616. 1906, ch. 797.

To direct in what part of Baltimore City, buildings of wood shall not be erected. To regulate and establish the size of bricks that are to be used in the houses to be built in the City of Baltimore. To provide for the entry into and the examination of all dwellings, lots, yards, enclosures and buildings, cars, boats and vehicles of every description; to ascertain their condition for health, cleanliness and safety. To regulate the building and maintenance of party walls, partition fences, parapet and fire walls, smoke flues, fire places, hot air flues, boilers, kettles, smokestacks and

Regulation, restriction and inspection of building operations, materials and sanitary arrangements.

stove-pipes. To provide for and regulate the safe construction, inspection and repairs of all private and public buildings within the City; and to compel the consumption of smoke, and make such regulations as may be deemed necessary to prevent the same from becoming deleterious or offensive to health. To take down and remove, or make

To make safe or remove dangerous structures or require the owners to make same safe, at expense of owners.

safe and secure any and all buildings, walls, structures or superstructures, at the expense of the owners thereof, that are or may become dangerous, or to require the owners or their agents to take down and remove them or put them in a safe and sound condition at their own expense; to make any and all costs and expenses incurred in and about the taking down and removal, or making safe and secure, of all buildings, walls, structures, or superstructures as aforesaid, a lien upon the interests of the owners in the land or improvements, or both and to provide for the enforcement of such liens by sale of the property, whether real or personal. To regulate, restrain or prohibit

To regulate the construction of wooden buildings and the erection and repair of buildings.

the erection of wooden or frame buildings within the present limits of the City, and to remove the same at the owners' expense when erected or suffered to remain contrary to law or ordinance. To regulate the height, construction and inspection of all new buildings hereafter erected in said City; and the alteration and repairs of any buildings already erected or hereafter to be erected in said City, and the ordinance regulating the construction and inspection of buildings in said City passed by the City Council and approved by the Mayor, October 23rd 1891, is hereby authorized and legalized in the same manner as if full authority had been given by the General Assembly for the passage of the same prior to its enactment. To regulate

Ord. 146, of 1891 legalized.

To define limits within which steps, porticos, bay-windows, etc., may be erected. Proviso relating to "Burnt District."

the limits within which it shall be lawful to erect any steps, porticos, bay-windows, bow-windows, show-windows, awnings, signs, columns, piers, or other projections or structural ornaments of any character for the houses fronting on any of the streets, lanes or alleys of said City; provided, however, that within that part of Baltimore City actually consumed by the Great Fire of February 7 and 8, 1904, it shall be unlawful to erect upon the streets, lanes and alleys of the City, between the grade of the sidewalk and a

point ten feet above such grade, any such awnings, steps, porticos, bay-windows, bow-windows, show-windows, signs, except signs placed against buildings and not extending more than two inches therefrom, column, pier or other projection, or structural ornament of any character.

Mayor *v.* Radecke, 49 Md. 217. Garrett *v.* Janes, 65 Md. 260. Townsend, Grace & Co. *v.* Epstein, 93 Md. 537. Bostock *v.* Sams, 95 Md. 400. Storck *v.* Mayor, etc., Baltimore, 101 Md. 476.*

(2) CARRIAGES.

P. L. L. (1860) Art. 4, Secs. 138, 139. 863; 1880, Ch 69. P. L. L. (1888) Art. 4, Secs. 132-134.

To license and regulate all carriages and other vehicles owned or used for the purpose of business or pleasure, and also all hackney coaches, carriages, carts, drays, omnibuses, wagons and other vehicles, kept for hire or hired in said City, and also to license and regulate the employment of all hackmen, draymen, wagoners, carters, porters and watermen, plying for hire within the limits, and to pass all necessary and proper regulations respecting the same; provided, however, that all revenue arising from said licenses shall be applied to the paving or repaving of the public highways of the City. Every carriage, coach or other vehicle moved by horses or other animal power, which shall be used for the conveyance of persons within the City of Baltimore for hire or compensation, shall be deemed a hackney carriage. To regulate the breadth of the wheels of wagons, carts and drays to be used for hauling burdens on the streets of said City, but such regulations shall not affect persons hauling produce to said City.

Power to license.

Hackney Carriage defined.

Breadth of Wheels of Vehicles.

Vasant *v.* Harlem Stage Co., 59 Md. 330. State *v.* Rowe, 72 Md. 552. Mason *v.* Cumberland, 92 Md. 451.

*NOTE; In the Storck case, above cited, the Act 1904, ch. 616, was declared inoperative as to that part of the city outside of the "Burnt District". The first proviso in section 6 of the City Charter, title General Powers, sub-title Buildings, as re-enacted by said Act, was declared void for uncertainty, and the second proviso thereof void as being arbitrary and unreasonable. The object of the Act 1906, ch. 797, was to modify the paragraph relating to buildings so as to conform to the decision of the Court of Appeals in the Storck case.

For further cases relating to building matters covered by the paragraph of section 6 in relation to buildings, *see*,—

Barry *v.* Edlavitch, 49 Md. 217. Dorsey *v.* Habersack, 84 Md. 117. Serio *v.* Murphy, 99 Md. 545.

(3) CHIMNEYS.

P. L. L. (1860) Art. 4, Sec. 150. P. L. L. (1888) Art. 4, Sec. 148.

Sweeping
Chimneys.

To license and regulate the sweeping of chimneys and fix the rates thereof, and to regulate the sweeping of any chimney by the neglect of which the City may be endangered, and to ascertain and regulate the width of those to be built in the City.

(4) CONDEMNATION OF PROPERTY.

1892, Ch. 307 ; P. L. L. (1888) Art. 4, Sec. 148 A. 1906, Ch. 397.
1906, Ch. 402.

Powers of Mu-
nicipality to
condemn pri-
vate property
for public use.

Notice to own-
ers of proper-
ty so taken.

Appeals from
valuations.

To acquire, by purchase or condemnation, any land or any interest therein, which it may require for school-houses, engine-houses, court-houses, markets, streets, bridges and their approaches, the establishment or enlargement of parks, squares, gardens or other public places, or for any other public or municipal purpose, and may provide such methods of condemnation of any land or property, or interest therein, situated wholly or partly within the City of Baltimore, as it may deem proper ; under such procedure as it may adopt, it shall provide for reasonable notice to the owner or owners, and for appeals to the Baltimore City Court, by any person interested, including the Mayor and City Council of Baltimore, from the decision of any commissioners or other persons appointed to value any such land or property, or interest therein. Nothing herein contained shall be construed as depriving the City of any power of condemnation for any purpose already vested in it.

Damages and
benefits
through con-
demnation.

The Mayor and City Council of Baltimore shall have full power and authority to provide by ordinance for ascertaining whether any, and what amount of benefits will accrue to the owner or possessor of any ground or improvements within the City of Baltimore, by reason of the establishment or enlargement of any parks, squares, gardens or other public places, for which said owner or possessor ought to pay compensation, and to provide by ordinance for assessing or levying the amount of such benefits on the property of persons so benefited ; provided that provision is made therein for reasonable notice to the person or persons against whom such benefits are to be assessed, and

provided that provision be made for appeals to the Baltimore City Court by any person or persons interested, including the Mayor and City Council of Baltimore from the decision of any Board, Commissioners, or other persons appointed or authorized to assess such benefits.

Appeals from such assessments.

Condemnation of Property for Esplanades and the Like.—To acquire by purchase or condemnation any land or property in Baltimore City, or any interest therein, which it may require for establishing esplanades, boulevards, park ways, park grounds, and public reservations in, around and leading to public buildings, and for the purpose of re-selling such land with reservations in the deeds of such resale as to the future use of said lands so as to protect public buildings and their environs and to preserve the view, appearance, light, air and usefulness of public grounds, occupied by public buildings and esplanades and park ways leading thereto, and may provide such methods of condemnation of any such land or property or interest therein situated within the City of Baltimore as it may deem proper; provided, however, that all the provisions as to reasonable notice and appeals contained in the next preceding paragraph of this section shall likewise be applicable to this paragraph of this section.*

Purposes for which property may be condemned.

O'Brien v. Baltimore Belt R. R. Co., 74 Md. 375. Gluck v. Mayor, etc., Balto., 81 Md. 315.

*NOTE.—*Wharves and Docks:* Condemnation of wharfage and dockage rights. Valuation of franchise right of wharfage, right of appellants to dock its own vessels at its wharf and the right of access to such wharf over navigable water. Held that it is impossible to segregate these elements for purposes of valuation separately in the condemnation of same for public improvements.

Mayor & C. C. of Balto. v. Balto. & Phila. Steamboat Co., Daily Record, February 1, 1906.

Condemnation of Property: In this connection, see also Baltimore v. Rice, 73 Md. 307; Van Witzon v. Gutman, 79 Md. 411; Shanfelter v. Mayor, etc., 80 Md. 483.

For recent cases relative to parties entitled to compensation when land is condemned for municipal purposes, see,

Mayor, etc. Hagerstown v. Groh, 101 Md. 560. Baltimore City v. Latrobe, 101 Md. 625.

(5) FIRE.

P. L. L. (1860) Art. 4, Secs. 29, 30, 236-238, 249. 1878, ch. 120.
 1884, ch. 312. 1886, ch. 463. 1888, ch. 393. P. L. L. (1888)
 Art. 4, secs. 312-315C, 324, 328. 1894, ch. 190.

Power of the Mayor and City Council.	To establish and regulate fire wards and fire companies, and all matters pertaining to the prevention and extinguishment of fires. To appropriate a sum of money annually for the relief of disabled and superannuated firemen, for the relief of the widows and children of firemen who have been killed in the discharge of duty, and to provide by general ordinance for giving pensions to employees of the Baltimore Fire Department who may become unable to perform further service, by reason of age, or other physical or mental disabilities. To retire from office in the Fire Department any permanent or called member thereof who has become permanently disabled while in the actual performance of duty, or has performed faithful service in the department for a period of not less than twenty consecutive years, and placing the member so retired upon a pension roll, the amount of annual pension to each pensioner to be an amount equal to one-half the yearly amount then being received by him, for service in said department at the time of such retirement, per annum, payable in monthly installments. To appropriate annually such sums of money as shall be sufficient to pension all such members of the Fire Department as shall be upon the pension roll.
Pensions to firemen.	
Retiring members.	
Appropriations for pensions.	
Firing of Crackers prohibited.	To regulate the evil and pernicious practice of firing or discharging crackers within the limits of said City, either by prohibiting sale of the crackers or otherwise. To erect and provide magazines for the storage of gunpowder brought to the City and to compel the storage of same therein, and to regulate the price of said storage. To regulate the storage of naval stores and other combustible matter in such quantities or in such places in the City as may be deemed dangerous. To provide for the inspection of oils or fluids made from petroleum or its products, to be used for illuminating purposes, offered for sale in the City of Baltimore, and for the appointment of inspectors for that purpose, and to impose such fines and penalties as it may deem necessary and proper in the premises. To fix
Storage of Gunpowder.	
Naval Stores.	
Oils or fluids from petroleum.	

by ordinance the standard or flashing point of oils, or fluids made from petroleum or its products, used for illuminating purposes, and offered for sale in said City, and to provide for the inspection of the same, and for the appointment of inspectors for that purpose.

Illuminating
oils.

(6) FISH.

To regulate the sale or disposition of fish within the limits of the City of Baltimore; to impose fines or penalties for the violation of any regulation it may establish.

Sale of fish.

(7) FRUITS, MEATS, VEGETABLES AND OTHER ARTICLES.

P. L. L. (1888) Art. 4, sec. 646A. 1890, ch. 100.

To license and regulate the sale of fresh fruits, meats, vegetables and all other perishable articles in the City of Baltimore.

To license and
regulate sale
of.

(8) HARBOR, DOCKS AND WHARVES.

P. L. L., (1860) Art. 4, secs. 263, 264, 265, 266, 271, 272, 793, 794, 796, 944, 945. 1880, ch. 418. 1884, ch. 230. 1884, ch. 309. 1888, ch. 261.

P. L. L., (1888) Art. 4, secs. 343, 344, 346-350, 355-357, 367-368.

To provide for the preservation of the navigation of the Patapsco river and tributaries, including the establishment of lines outside the limits of said City and within four miles thereof, beyond which no pier, bulkhead or wharf may be built or extended,¹ and for cleaning and deepening the harbor, docks and basin, and for regulating the stationing, anchoring and mooring of vessels,² and to make such rules and regulations from time to time respecting same; to make surveys or charts of the basin, harbor and river Patapsco, and to ascertain the depth and course of the channel of same, and if necessary, affix buoys or water marks for facilitating and rendering more safe the navigation thereof. To prohibit any person or persons from throwing into the Patapsco river or any of the branches thereof, any earth, sand or dirt, or laying out on the beach or shore of said river, below common high-water mark, any earth, sand or dirt, unless such earth, sand or dirt be first well secured by stone walls, dove tailed log pens, or otherwise, so that no part thereof may wash into

To preserve
navigation
and fix pier
or bulkhead
lines; to
clean, deepen
and regulate
harbor.

¹ Classen v. Chesapeake, 81 Md. 258.

² M. & C. C. of Balto. v. St. Agnes Hospital, 48 Md. 419.

To preserve and clean basin and harbor.	said river or the branches thereof. ¹ To cause the basin and harbor, and such parts thereof as it may deem proper, to be cleansed, scoured, cleared and ballasted, and all obstructions in and upon the same, whether from vessels sunken or any other cause, to be removed, and may levy reasonable port fees on every vessel entering or clearing from said port. To make such regulations as it may deem proper respecting wharves and wharfage, and the keeping of wharves in repair, so as to prevent their injuring the harbor and basin, and for preventing vessels from casting filth or ballast into the same, and to prevent filth, earth or soil from being thrown from the wharves or land into said basin or harbor, so as to fill up the same or obstruct the navigation thereof. To impose such fines for the breach of any ordinance or ordinances passed in conformity therewith, not exceeding one hundred and fifty dollars. To assess, levy and collect on every thousand feet of lumber floating into or arriving at the Port of Baltimore and
Wharves and wharfage.	washed therein, a sum not exceeding thirty cents per thousand feet, board measure (except all lumber floating into or arriving at said port for the purpose of being sawed in said City or its vicinity, and all timber to be used for masts, spars and wharfing timber), to be appropriated and applied by the Mayor and City Council of Baltimore for carrying into effect the rules and regulations which it may from time to time make respecting said harbor and port. To provide for the appointment of as many Harbor Masters, or other officers or agents as may be necessary to execute the foregoing powers. To collect or impose a tax, duty, toll or wharfage upon any goods, wares or merchandise, or other articles, for passing the same over any of the public wharves within the City of Baltimore, and the said corporation may regulate the time during which any goods, wares, merchandise or other articles may remain on said public wharves, or the time which the vessels, boats or scows taking in or discharging such goods, wares or merchandise shall remain at said wharves. To regulate, establish and collect such rate of wharfage as it may think reasonable from all vessels resorting to, lying at, depositing or
Fines.	
Tax on lumber.	
Appointment of Harbor Masters.	
Public wharf taxes; collection of same.	

¹ *Garritee v. M. & C. C. of Balto.*, 53 Md. 422.

transporting goods or articles on any wharf belonging to the City, or any public wharf in said City, other than wharves belonging to or rented by the State, and that part of Pratt Street wharf reserved for the use of the State.¹

Wharfage at
City wharves.

¹ *Harrison v. Sterett*, 4 H. & McH. 540. *Girauds' Lessee v. Hughes*, 1 G. & J. 249. *Dugan v. Mayor*, 5 G. & J. 357. *Bernard v. Torrence*, 5 G. & J. 394. *Wilson v. Inloes*, 11 G. & J. 351. *Casey's Lessee v. Inloes*, 1 Gill 430. *Mayor, etc. v. White*, 2 Gill 444. *The wharf case*, 3 Bland 361. *Baltimore v. McKim*, 3 Bland 453. *Hammond's Lessee v. Inloes*, 4 Md. 138. *Patterson v. Gelston*, 23 Md. 443. *Broadway, etc. Co. v. Hankey*, 31 Md. 346. *Page v. Mayor*, 34 Md. 558. *Garrittee v. Mayor*, 53 Md. 422. *McMurray v. Mayor*, 54 Md. 103.

(9) HEALTH.

P. L. L. (1860) Art. 4, Sec. 797. 1886, ch. 396. 1890, ch. 509.

P. L. L. (1888) Art. 4, Secs. 378 and 400.

To preserve the health of the City. To prevent and remove nuisances. To prevent the introduction of contagious diseases within the City, and within three miles of the same upon land, and within fifteen miles thereof upon the navigable waters leading thereto. To regulate the places of manufacturing soap and candles, the erecting of slaughter houses and distilleries, and where every other offensive trade may be carried on. To regulate the construction, care, use and management of tenement houses, lodging houses and cellars in the City of Baltimore, for the better protection of the lives and health of the inmates dwelling therein.*

Powers of M. &
C. C. of Balti-
more.

Construction
and use of
tenement
houses.

Harrison v. Mayor, &c., 1 Gill 264. *Mayor v. Brannan*, 14 Md. 227. *N. C. Ry. Co. v. Baltimore*, 21 Md. 105. *Altwater v. Baltimore*, 31 Md. 466. *Mayor, &c., v. Radecke*, 49 Md. 217. *Boehm v. Mayor, &c.*, 61 Md. 259. *State v. Mott*, 61 Md. 297. *Deems v. Mayor & C. C. of Balto.*, 80 Md. 170. *Cochrane v. Frostburg*, 81 Md. 54. *Hagerstown v. Witmer*, 86 Md. 293. *Balto. v. Fairfield Improvement Company*, 87 Md. 352.

***Decisions Defining the Powers of a Municipal Corporation in Relation to Public Health, Safety and Similar Police Powers.**

HEALTH ORDINANCES.

Power of Municipal Corporation to pass same. It is not for Courts of Justice to say that a given enactment passed by the Legislature in virtue of the police power, and having a direct relation to it is void for unreasonableness; but whenever power has been delegated by the Legislature

(10) HOSPITALS.

P. L. L., (1860) Art. 4, sec. 31. P. L. L., (1888) Art. 4, sec. 409.

To erect houses of correction and institutions for care and treatment of indigent poor.

To erect or establish houses of correction, almshouses, reformatories, hospitals or pest-houses, within or without the City, if necessary, and make all regulations for the government of the same.

Baltimore City *v.* Fairfield Imp. Co., 87 Md. 352.

(11) INSPECTIONS.

P. L. L., (1860) Art. 4, secs. 28, 942, 943. P. L. L., (1888) Art. 4, secs. 425-427. 1894, ch. 53. 1896, ch. 273.

Power to regulate inspections of weights and measures.

To establish and regulate inspections within the City.
To make the standard of weights and measures the same

to a municipal corporation to adopt and promulgate ordinances for the protection of the public health, morals or safety, the reasonableness of the measures enacted by the municipality is a feature to which the courts look to see whether the measure is within the power granted.

State *v.* Hyman, 98 Md. 618.

INFECTIOUS AND CONTAGIOUS DISEASES.

Small Pox. Expenses of Disinfection.

See, Harrison *v.* Mayor, 1 Gill 264

NUISANCES.

Nuisances Generally.

There is no prescriptive right to maintain a public nuisance.

P. W. & B. R. R. Co. *v.* State, 20 Md. 157. N. C. Ry. Co. *v.* Baltimore, 21 Md. 105.

As to duty of City to prevent public nuisances, *see*,
Mayor *v.* Brannan, 14 Md. 227.

A private individual cannot maintain an action for damages resulting from a public nuisance unless he suffers some special injury. The remedy is by indictment.

Harrison *v.* Sterrett, 4, H. & McH. 550.

A municipal corporation, without any general laws, either of the City or of the State, within which a given structure can be shown to be a nuisance, cannot by a mere declaration that it is one, subject it to removal by any person supposed to be aggrieved, or even by the city itself.

New Windsor *v.* Stocksdales, 95 Md. 215.

The municipality cannot, by merely declaring a structure over a dedicated alley not yet occupied by it, a nuisance, remove the same, but the fact that it was a nuisance should have been first established before a court of competent jurisdiction.

Frostburg *v.* Hitchins, 99 Md. 617.

in the City of Baltimore as in the rest of the State, and enforce the same by inspection. To regulate and fix the assizing of bread. To provide by ordinance for the proper inspection of milk or any and all other food products offered for sale in the City of Baltimore or intended for consumption therein; to make and from time to time to alter such regulations in regard to the sale of milk or any or all other food products as to it may seem necessary to protect the public health; and to provide by fine of not more than one hundred dollars for each offense for the punishment of violations against such regulations and ordinances; to provide for such number of inspectors or analysts as it may deem necessary, and to fix their duties and compensation, and from time to time change the

To assize bread.

To inspect milk and food products.

To provide penalties.

To provide for inspectors and analysts.

Particular Nuisances.

Bawdy House. A bawdy house is a public nuisance which may be enjoined if a continuing nuisance and in addition a suit for damages will lie for the depreciation of property resulting from its maintenance.

Hamilton *v.* Whitridge, 11 Md. 143.

Bridge. When a defective bridge may be a nuisance,—

See, P., W. & B. R. R. Co. *v.* State, 20 Md. 157.

Buildings. A dilapidated building or wall, menacing the users of the street is a nuisance.

Murray *v.* McShane, 52 Md. 217.

Cattle running at Large. See,

Cochrane *v.* Frostburg, 81 Md. 54.

Cess-pools in Towns. See,

Sprigg *v.* Garrett Park, 89 Md. 410.

Coasting in Streets or on Sidewalks. When a nuisance which City is bound to prevent; see,

Altwater *v.* Mayor, 31 Md. 466. Taylor *v.* Cumberland 64, Md. 68.

Dogs Running at Large. Validity of ordinances providing for killing of same sustained.

City of Hagerstown *v.* Witmer, 86 Md. 293.

Drains. Overflow from drains flooding lands, see,

Guest *v.* Commissioners of Church Hill, 90 Md. 689.

Elevated Structures. Not necessarily a public nuisance, see,

Garrett *v.* Lake Roland Elv. R. R. Co., 79 Md. 286.

Fertilizer Factory. When a nuisance. Prescriptive right where plaintiff "came to the nuisance," discussed.

Susquehanna Fertilizer Co., *v.* Malone, 73 Md. 268.

To provide for
inspection of
bakeries,
candy factor-
ies, &c.

number, duties and compensation of said inspectors and analysts. To provide by ordinance for the proper inspection of all bakeries, bake shops, candy factories, confectioneries, or other places for the manufacture of bread, cakes, confectionery and similar food products, for the purpose, more especially, of ascertaining their sanitary condition and cleanliness, and for the purpose of ascertaining the purity, healthfulness and wholesomeness of the flour, sugar, butter, lard and other ingredients used in making such bread, cakes, confectionery and other articles of food offered for sale in the City of Baltimore, or intended for consumption therein; to make and from time to time alter such regulations or ordinances in regard to the sale of said food products as to it may seem necessary to protect the

Ice on Footways. Duty and liability of municipality arising therefrom discussed.

Baltimore *v.* Marriott, 9 Md. 174.

Lime Kilns. A particular use of property declared a nuisance by an ordinance of a municipal corporation, did not make such use a nuisance, unless it be so in fact, according to the common law or statutory definition of a nuisance.

State *v.* Mott, 61 Md. 259.

Livery Stable. Declared not to be a nuisance *per se*, but may become so by its construction or use.

Commissioners of Easton *v.* Covey, 74 Md. 262. Metropolitan Savings Bank *v.* Manion, 87 Md. 68. Gallegher *v.* Flury, 99 Md. 187.

A stable for horses is not a nuisance *per se*, and the erection of one will not be enjoined merely because it may become one from the way it may be managed.

King *v.* Hamill, 97 Md. 107.

Markets. Duty of City to prevent nuisances in markets. Hole in market place.

Mayor *v.* Brannan, 14 Md. 227.

Navigable Waters. Obstruction of navigable waters of Patapsco by deposits of mud and sediments.

Garrittee *v.* M. & C. C. of Baltimore, 53 Md. 422.

Noxious Gases from Fertilizer Factories, *see*,

Fertilizer Co. *v.* Spangler, 86 Md. 562.

Obstructions in Public Streets, constitute a public nuisance and the remedy is by indictment.

Fort *v.* Graves, 29 Md. 188. Houck *v.* Wachter, 34 Md. 265.

Offensive Trades. Rules for determining when they constitute a nuisance.

Horner *v.* State, 49 Md. 277.

public health, and to provide by fine of not less than twenty dollars nor more than one hundred dollars for each offense for the punishment of violations against such regulations and ordinances; to provide for such number of inspectors and analysts as it may deem necessary, and to fix their duties, qualifications and compensation. **

State v. Broadbelt, 89 Md. 565.

(12) JAIL.

1868, ch. 3. P. L. L., (1888) Art. 4, sec. 536.

To own, regulate and control the Jail of Baltimore City. To own regulate and control same.

As to whether noises, smell and the like physical discomforts arising from the prosecution of a commendable and necessary trade or business will be treated as constituting a nuisance, *see*,

Gibbons v. Becker, Daily Record, February 21, 1893. Cf., Berge v. Baltimore, Cemetery Co., Daily Record, October 26, 1889.

Pest Houses. Leprosy, when a nuisance, *see*,
Baltimore City v. Fairfield Imp. Co. 87 Md. 352.

Privies. When a nuisance, *see*,
Boehm v. Baltimore, 61 Md. 259.

Shade Trees. Not removable by a municipal corporation unless they constitute a nuisance.

Frostburg v. Wineland, 98 Md. 239.

Slaughter Houses. Blood, offal and refuse from slaughter houses let into a mill race rendering water offensive and impure constitute a public nuisance.

Woodyear v. Henry Schaefer, 57 Md. 1.

Smoke, Noxious Vapor, etc. Smoke, noxious vapor, noise and vibration productive of active physical discomfort and rendering one's habitation unfit and unsafe is a nuisance, though the business may be lawful.

Dittman v. Repp, 50 Md. 516.

Smoke, Noise, Vibration. Smoke, steam and cinders from a chimney; when a nuisance, *see*,

Lurssen v. Lloyd, 76 Md. 360. Euler v. Sullivan, 75 Md. 616.

Steam Boiler. Not a nuisance *per se*. An ordinance committing to an official the power to declare a steam boiler a nuisance and to demand its removal without a provision to determine whether it is a nuisance in fact, is void.

Baltimore v. Radecke, 49 Md. 217.

Toll Gate. A toll gate upon a highway unauthorized is a public nuisance.

Schall v. Nusbaum, 56 Md. 512.

**NOTE. As to power to regulate inspections of milk, *see*,
Deems v. Mayor & C. C. of Balto., 80 Md. 164.

(13) JONES' FALLS.

1864, ch. 163. 1870, ch. 115. 1870, ch. 113. P. L. L., (1888) Art. 4, secs. 574-578, 581, 582.

Powers of M. &
C. C. to im-
prove.

To make such improvements in connection with Jones' Falls as in its judgment are desirable, and for this purpose to change the course, lines and boundaries of said stream, in whole or part; to widen and deepen the same; to lay out and construct on the sides and adjacent to said stream, streets, avenues and wharves; to construct all such sewers and drains in said City as shall be deemed requisite in connection with said improvement; and generally to do all such things, and exercise all such powers, as, in its judgment, shall be necessary to be done and exercised for the accomplishment of any plans for the improvement of Jones' Falls which have been or may be adopted by it.¹ To have power at any time to acquire all property of every kind and description which may be necessary or advisable, in its judgment, to acquire, for the accomplishment of the purposes mentioned, and shall moreover have full power to provide for the ascertainment of the value of all property and rights of property which it is thus authorized to acquire, and to ascertain whether any and what amount, in value, of damages will be caused by the construction of the aforesaid works of improvement in connection with Jones' Falls, or any of them, to the owner or possessor of any property, or rights of property, within the said City, for which the owner or possessor ought to be compensated, and to ascertain what amount of benefits will be caused by the construction of the aforesaid works of improvement, or any of them, to the owner or possessor of any property, or rights of property, for which said owner or possessor ought to pay a compensation, and to provide for assessing or levying, either generally on the whole assessable property of the City, or especially on the property of persons benefited, the whole or any part of the damages and expenses which it shall be ascertained will be incurred in constructing such works in connection with the improvement of Jones' Falls, as it has determined or shall deter-

Acquisition of
property.

Condemnation.

Benefits and
damages to
be assessed.

¹ Merrick *v.* Mayor, 43. Md. 219. Mayor, etc., *v.* Musgrave, 48 Md. 272.

mine to make. To provide for granting appeals to Baltimore City Court from the decision of any Commissioners, or other persons appointed by virtue of any ordinance, to ascertain the value of the property which the City may wish to acquire for the purposes aforesaid, or the damages which will be caused, or the benefits which will accrue, by the construction of the aforesaid works of improvement, and to secure to every owner or possessor of any property, or right of property, which it may thus purpose to acquire, or which may thus be decided to be damaged or benefited, the right on application within a time to be prescribed by ordinance, to have decided by a jury trial, the true value of the property proposed to be acquired for the purposes aforesaid, and whether any and what damage will be caused, or any and what benefits will accrue to the owner or possessor of the property so assessed for damages or benefits respectively, and to provide for collecting and paying over the amount of compensation adjudged to each person entitled, or invest it in the stock of the said City, for the use of the person so adjudged to be entitled to the same, and to provide for collection, by the sale of the property assessed, or otherwise, of all sums assessed as benefits aforesaid, and generally to enact and pass all ordinances, from time to time, which shall be deemed necessary and proper to exercise the powers and effect the objects for the exercise and accomplishment of which this paragraph of this section is passed.¹ To define and locate the limits of Jones' Falls within the City of Baltimore, and to acquire by purchase or condemnation, under proceedings for which provision is made in this Article, the absolute and exclusive right and title to all the land and rights of property embraced within the said limits, and in the ground covered by all streets or avenues which it may lay out and condemn on the sides of the stream, and it shall have an estate in fee simple in the same. It shall have power and is authorized to construct wharves or quays along the margin of said stream, or use the said streets or avenues for wharf or quay purposes, and collect tolls or wharfage from all

Appeals.

Jury trial if desired.

Assessments to be collected.

May define limits.

Title to land acquired.

Wharves.

Grades of Streets.

¹ Gregg v. Mayor, 56 Md. 256.

vessels or boats using the same. To make such changes in the grades of the streets in the City of Baltimore as shall, in its judgment, be necessary for the proper construction of works connected with the improvement of Jones' Falls, which it may determine to construct, and it shall not be necessary, in order to make such changes in the grades of streets, to obtain the consent of any of the proprietors of the ground fronting on said streets, or affected by such changes.¹ To make such provisions as it shall deem best for defraying the cost of grading and paving of any streets or avenues which it may lay out and condemn along the margin or side of Jones' Falls. To issue bonds to an amount not exceeding two million five hundred thousand dollars, from time to time, as the same may be required in the course of the construction of the works connected with the improvement of Jones' Falls, for the construction of which provision is made by the ordinance of the Mayor and City Council of Baltimore, entitled, "An ordinance to provide for the improvement of Jones' Falls within the limits of the City of Baltimore, and to open avenues and construct sewers on the borders thereof," the said bonds to be issued in sums of not less than one hundred dollars each, redeemable in thirty years, and bearing interest at 6 per cent. per annum, payable quarterly, transferable as other City bonds, as provided in sections one and two of an ordinance of the Mayor and City Council of Baltimore, entitled, "An ordinance to authorize the issuing of bonds of the City of Baltimore, for the purpose of providing means for the improvement of Jones' Falls," approved January 31, 1870; provided, that said bonds shall not be issued unless the last mentioned ordinance shall be approved by the votes of a majority of the legal voters of the said City, cast at the time and places provided for in the last mentioned ordinance. To compel any individuals, companies or bodies politic, owning property binding on Jones' Falls, within the limits of the City, to wall up such property, so far as the same may bind on the falls, with a good and sufficient stone wall, to such height as in its judgment the public good may

Cost of grading
and paving.

Issue of Bonds
to amount of
\$2,500,000.

To compel per-
sons to build,
rebuild or re-
pair walls.

¹ Gregg v. Mayor, 56 Md. 256.

require, and to have the same backed up or filled in with earth, so as to secure the same and the adjacent property from danger of being inundated with water; and whenever it may deem necessary, to compel individuals, companies or bodies politic, to rebuild or repair, in a good and sufficient manner, any stone wall owned by them and binding on Jones' Falls within the limits of the City of Baltimore; and should any individuals, companies or bodies politic neglect or refuse to wall up Jones' Falls, rebuild or repair any such wall within the limits of the City of Baltimore, when required so to do, the said City may cause the same to be done, and it is authorized and empowered to recover the cost of such wall, rebuilding or repairing, by suit at law, from the party who may have refused or neglected to build, rebuild or repair such wall; and the cost of such wall shall be a lien on the property so walled up or repaired.¹ **

In event of failure City may build at expense of owners.

¹ M. & C. C. of Baltimore v. Lefferman, 4 Gill 425.

See Norwood v. Baker, 172 U. S. 83.

(14) LICENSES.

P. L. L., (1860) Art. 4, sec. 27. 1878, ch. 414.
1888, ch. 495. P. L. L., (1888) Art. 4, secs. 654, 657, 658, 664.

To license, tax and regulate all businesses, trades, avocations or professions. To license, regulate, tax or suppress hawkers, peddlers, brokers, pawnbrokers, intelligence offices, street exhibitions or fortune-tellers.

Power relating to licenses.

State v. Applegarth, 81 Md. 293. Salfner v. State, 84 Md. 301.

*Cambridge v. Water Co., 99 Md. 501.

(15) MARKETS.

P. L. L., (1860) Art. 4, secs. 631, 635, 638, 639, 640, 651.
P. L. L., (1888) Art. 4 secs. 671, 675, 678, 679, 680, 691.

To erect, regulate, control and maintain markets and stalls within the City of Baltimore, and to regulate and control the sale of all goods, wares, merchandise and other

Power of Mayor and City Council to regulate and control.

**NOTE: In Lefferman's case above cited, it was held that Act 1821, ch. 252 on same subject was unconstitutional, because it imposed the whole expense of a public improvement on the individual immediately benefited.

articles therein.¹ To lease, sell or dispose of any stalls or stands in any market, in such manner and upon such terms as it may think proper.² To contract for, purchase, lease and hold to it and its successors, in fee simple, or for a term of years, renewable from time to time forever, any lands, tenements, and their appurtenances in the vicinity of any market for the purpose of extending same. To condemn any land or other property or any interest in land or other property for market purposes in the mode provided in this Article. To levy and collect all costs, damages and expenses incurred by the condemnation proceedings aforesaid. The clerks of the markets shall have full power and authority to seize by distress any meats, vegetables or other articles upon any stall or stand in the market-houses of the City of Baltimore, if the person or persons owning such stall or stand shall not pay the rent due thereon, and they shall also collect all fines and forfeitures imposed by this Article or ordinances relating to markets, and account for the same to the Mayor and City Council of Baltimore. To levy and collect all the costs, damages and expenses awarded in any condemnation proceedings provided for in this Article, for the extension or construction of any market or markets in the City of Baltimore.**

Sale and lease of stalls.

Extension of markets.

To condemn land.

Distrain for Rents.

¹ State *v.* Rowe, 72 Md. 548.

² Mayor *v.* Brannan, 14 Md. 227. Hatch *v.* Prendergast, 15 Md. 251. Musgrave *v.* Staylor, 36 Md. 124. Rose *v.* Mayor, 51 Md. 256. Border State Savings Bank *v.* Wilcox, 63 Md. 525. Green *v.* Western Nat. Bank, 86 Md. 290. Pfefferling *v.* Balto. City, 88 Md. 475. Cambridge *v.* Water Co., 99 Md. 503. See Baltimore City Code (1879) page 622, note.

****NOTE:** *Market Stalls.* The right to lease the stalls and stands in any market in any manner, and for any term they may think proper is an exercise of municipal powers not in express terms, nor by fair or reasonable intendment, conferred upon the Mayor and City Council of Baltimore by sections 671 and 678 of Article 4, Code Public Local Laws (now sec. 6, title "General Powers," sub-title "Markets," of the City Charter).

M. & C. C. of Balto. *v.* Grieves, Daily Record, September 14, 1892.

(16) PARKS.

1862, ch. 29. P. L. L., (1888) Art. 4, sec. 705. 1896, ch. 366.

To establish, maintain, control and regulate parks or squares in the City of Baltimore, for the recreation and benefit of its citizens. The resolution of the Mayor and City Council of Baltimore, appointing a commission in relation to the proposed public parks, approved June 4, 1860, and the ordinance of the Mayor and City Council of Baltimore, to provide for a public park or parks, approved June 21, 1860, are confirmed; and all acts done, or which may hereafter be done, by the said Mayor and City Council of Baltimore, or the officers of said City, or the Park Commission acting under the provisions of the said resolution and ordinance, shall have the same effect as if the said Mayor and City Council of Baltimore, prior to the passage of said resolution and ordinance, had been expressly empowered, by Act of the General Assembly, to enact a resolution and ordinance in the precise terms of said resolution and ordinance, and to provide for carrying the same into effect. All the rights, privileges and authority heretofore granted by ordinance, to the Park Commission, are hereby transferred to the Board of Park Commissioners as constituted in this Article. The Board of Park Commissioners be and hereby is authorized and empowered, upon and immediately after the execution and delivery, by the owners thereof, of the deed hereinafter referred to, to the Mayor and City Council of Baltimore, to assume exclusive jurisdiction and control over the public highway known as Green Spring Avenue Road, extending from the north entrance of Druid Hill Park, through parts of Baltimore City and parts of Baltimore County, to the Western Run bridge in Baltimore County, with full power in said Board of Park Commissioners to regulate the use of the said Green Spring Avenue Road as a highway, and to prescribe the hours when and the manner in which manure carts, hay wagons and all or any other description of vehicles may use the same, and to prescribe fines and penalties for the violation of such regulations, in the same manner as it prescribes fines and penalties for violations of the public park regulations.

To establish control and regulate parks.

Resolutions, June 4, 1860, and Ord., June 4, 1860, confirmed.

Rights vested in Board of Park Commissioners.

Green Spring Avenue Road

The owners of said Green Spring Avenue Road are hereby authorized to grant, and the Mayor and City Council of Baltimore are hereby authorized to accept from said owners, a good and sufficient deed for the bed of said road, subject to the rights of the adjacent property-holders to use the same as a highway. From and immediately after the acceptance by the Mayor and City Council of Baltimore, of the deeds mentioned above, all obligation and duty upon the part of either the owners of said Green Spring Avenue Road or of the public authorities of Baltimore County, to keep or maintain said road in repair, shall cease, and from and immediately after said time, the sole obligation to keep and maintain said road in repair, shall rest upon the Mayor and City Council of Baltimore. The Board of Park Commissioners, as herein provided for, shall have all the rights, powers and authority as are specifically set forth in this paragraph of this section and elsewhere in this Article, and all rights, powers and authority are hereby granted to the Mayor and City Council of Baltimore to make such other and further rules and regulations as it may deem proper for the maintenance of all parks and squares within the City of Baltimore not inconsistent with this Article.

Deed of same.

Board to have powers set out in this Article.

M. & C. C. to make necessary rules and regulations for parks.

Mayor & C. C. of Baltimore *v.* Reitz, 50 Md. 574. Upshur *v.* Baltimore City, 94 Md. 778. See notes, Baltimore City Code, (1879) pp. 677-678 and 683.

(17) POLICE.

To appropriate a sum of money annually for the relief of disabled and superannuated members of the police force of Baltimore City, and for the relief of widows and children of policemen who may be killed in the discharge of duty.

Appropriation for disabled and superannuated members.

(18) POLICE POWER.

P. L. L., (1860) Art. 4, sec. 32. P. L. L., (1888) Art. 4, sec. 721.

To pass ordinances for preserving order, and securing property and persons from violence, danger and destruction, protecting the public and City property, rights and privileges from waste or encroachment, and for promoting the great interest and insuring the good government of the City. To have and exercise within the limits of the City

Power to preserve order, etc.

of Baltimore all the power commonly known as the Police Power to the same extent as the State has or could exercise said power within said limits. But no ordinance heretofore passed, or that shall hereafter be passed by the Mayor and City Council of Baltimore, shall hereafter conflict or interfere with the powers or exercise of the powers of the Board of Police of the City of Baltimore, heretofore created, nor shall the said City, or any officer or agent of the City, or of the Mayor thereof, in any manner impede, obstruct, hinder or interfere with the said Board of Police, or any officer, agent or servant thereof or thereunder.

Not to conflict with powers of Board of Police.

*Mayor *ex rel.* v. Police Board, 15 Md. 455. Shafer v. Mumma, 17 Md. 331. *Boehm v. Baltimore, 61 Md. 259. *State v. Mott, 61 Md. 297. Singer v. State, 72 Md. 467. *State v. Rowe, 72 Md. 551. Trageser v. Gray, 73 Md. 250. *Lake Roland, etc. R. R. Co. v. Balto., 77 Md. 352. *Deems v. Mayor & C. C. of Baltimore, 80 Md. 173. *M. & C. C. of Balto. v. Turnpike Co., 80 Md. 536, 545. Cochrane v. Frostburg, 81 Md. 54, 65. *Mayer v. Hagerstown, 86 Md. 293. *Bear Creek Co. v. Balto. City, 87 Md. 94. Balto. City v. Cowen, 88 Md. 447. Poole v. Falls Road, etc. Co., 88 Md. 533. *Uphur v. Balto., 94 Md. 751. *Bostock v. Sams, 95 Md. 414, 415. Frostburg v. Hitchins, 99 Md. 627.

(19) PEDDLERS.

1878, ch. 414. P. L. L., (1888) Art. 4, sec. 657. 1892, ch. 90.

The Mayor may grant permits, upon the payment of the sum of seven dollars to the Comptroller, to such number of poor persons as to him may seem proper, to peddle within the limits of the City of Baltimore, notions, and small wares without a license ; provided, that the stock in trade of such peddler shall not exceed twenty-five dollars in value, and the said Mayor at any time may revoke any such permit.

May grant permits to poor persons to peddle.

Banks v. McCosker, 82 Md. 519.

(20) PUMPS, FOUNTAINS AND SPRINGS.

P. L. L.. (1860) Art. 4, sec. 823. P. L. L., (1888) Art. 4, sec. 936.

To erect and regulate pumps, fountains and Springs, in the streets, lanes and alleys of the City of Baltimore.

To erect and regulate.

(21) RAILROADS.

P. L. L., (1860) Art. 4, sec. 856. P. L. L., (1888) Art. 4, sec. 762.
1894, ch. 210.

Construction of tracks on streets. On application or assent, in writing, of the owners of the major part in extent of the front feet of the lots fronting on each side of any street, or part of street, to pass, subject to the provisions and requirements of sections 37 and 85 of this Article, such ordinances as shall be necessary for the construction of any track or railway of a steam railroad on and along such street; to permit and cause such alteration in the grade of such street as may be necessary for the more convenient and useful construction of such railway; and may levy and assess on all lots fronting on such street, or part of street, or on the owners of such lots, their just proportion of the expense of such construction, and enforce payment thereof; provided, notice be given to such owners before said assessment is made, with the right to a hearing as to the propriety of the same, and the further right of a jury trial by appeal to the Baltimore City Court, and the proprietor of any lot in front of which any such railway shall be so constructed, and the just proportion of which shall be paid by him, shall be entitled, at his own expense, to have a convenient siding or turn-out made, to enable him to have the beneficial use of such railway. The City may, whenever the public interests require, revoke the privilege granted to such railroad to use said street or part of a street, upon the payment to such railroad of the actual cost of construction of said railway tracks, and upon such revocation and payment aforesaid, the said railroad shall remove all its tracks from said street. To require street passenger railways to provide proper fenders to their cars for the protection of human life and to lessen the danger thereto arising from collisions with such cars, and to enforce said requirements by such fines and penalties as may be prescribed by ordinance. To regulate the use of the streets by street railways.**

May assess cost on owners of fronting lots.

Jury trials.

May remove such tracks.

Fenders on street cars.

To regulate street railways.

**NOTE.—As to summoning juries and other matters relating to inquisitions in condemnation proceedings instituted by railroad companies, *see*,

Belt R. R. Co. *v.* Turner, Daily Record, March 27, 1890.

N. C. R. R. Co. v. Mayor, 21 Md. 93. *N. C. Ry. Co. v. M. & C. C. of Balto.*, 46 Md. 425. *Hodges v. Balto. P. Ry. Co.*, 58 Md. 603. *N. Balto. R. R. Co., v. N. Avenue R. R. Co.*, 75 Md. 233. *N. Balto. Pass. R. R. Co. v. Baltimore*, 75 Md. 247. *Lake Rol. El. R. R. Co. v. Baltimore*, 77 Md. 352, 384. *Lake Roiand, etc. Co. v. Webster*, 81 Md. 529. *Park Tax Case*, 84 Md. 1. *Poole v. Falls Road Ry. Co.*, 88 Md. 536, 538. *United Rys. & Elec. Co. v. Hayes*, 92 Md. 490.

(22) SCHOOLS.

1872, ch. 377. 1884, ch. 2. P. L. L., (1888) Art. 4, secs. 776, 778, 779.

To establish in the City of Baltimore, in conformity with the provisions of this Article, a system of free public schools, which shall include a school or schools for manual or industrial training. To pass all ordinances for the protection of school houses and property, and to punish any person that may disturb the sessions of the public schools. To levy and collect, upon the assessable property in the City of Baltimore as other taxes are levied and collected, such amount of taxes as may be necessary to defray all expenses incurred for educational purposes.†

Power to establish.

Protection of School property.

Taxes for support.

School Commissioners v. Board of Education, 26 Md. 505. *St. Mary's Industrial School v. Brown*, 45 Md. 310. *M. & C. C. of Balto., v. Weatherby*, 52 Md. 442. *Hooper v. New*, 85 Md. 565. *Clark v. Md. Institute*, 87 Md. 643. *Baltimore City v. Lyman*, 92 Md. 591.

As to general law limitation to right of railroads to pass through the City of Baltimore.

W. M. Tidewater R. R. Co. v. Leonard, Daily Record, June 15, 1903.

A street railway has no paramount right to own its own tracks and a grant of the right to lay such tracks is subject to the paramount right of the city to interfere with the same.

City & Suburban Ry. Co. v. Brush Elec. Co., Daily Record, December, 20, 1895.

In connections with powers under this sub-title, *see also*,

O'Brien v. Balto. Belt R. R., 74 Md. 374. *Ches. & Pot. Tel. Co. v. McKenzie*, 74 Md. 48. *Koch v. N. Ave. R. R. Co.*, 75 Md. 222. *Balto. City v. Balto. Trust & Guar. Co.*, 166 U. S. 673. *Green v. City & Suburban Ry. Co.*, 78 Md. 294. *Garrett v. Lake Rol. El. R. R. Co.*, 79 Md. 277. *Birch v. Lake Rol. El. R. R. Co.*, 83 Md. 369. *Lake Rol. El. R. R. Co. v. Hibernian Society*, 83 Md. 420. *Hooper v. Balto. City Pass. Ry. Co.*, 85 Md. 509. *Baltimore v. Cowen*, 88 Md. 454. *Central Ry. Co. v. P. W. & B. R. K.*, 95 Md. 439.

†NOTE.—Compare with provisions of Code P. G. L., Art. 77, sections 116-119.

(23) SEWERS.

P. L. L., (1860) Art. 4, sec. 835. 1868, ch. 181.

P. L. L., (1888) Art. 4, secs. 792 and 794. 1906, ch. 144.

Power to construct.

To provide for construction, opening, enlarging or straightening, subject to the provisions herein contained as to the Board of Public Improvements and Board of Estimates, any sewer or drain, public or private, through any private property. To pave and keep in repair, subject to the provisions herein contained as to the Board of Public Improvements and Board of Estimates, all necessary sewers and drains and to pass all regulations necessary for the preservation of the same, and to authorize any person appointed by it or by the Commissioner of Health or by the City Engineer, as hereinafter provided, for that purpose, to enter upon the lands, grounds or possessions of any person or body politic, through which the common sewers or private sewers or drains run or may run, to examine, inspect, regulate, make or repair the same, such person, when not otherwise appointed by it to be appointed by the Commissioner of Health, if the sewer or drain be a private sewer or drain, though connected with a public sewer, so far as said private sewer or drain shall be upon private property, and to be appointed by the City Engineer for all other sewers or drains; and in the case of private sewers or drains, the regulations, making or repairing of the same to be at the expense of the owners of the property, real or leasehold, served by said sewers or drains, and with power also to make any and all costs and expenses incurred in or about the regulation, making or repairing of private sewers or drains a lien upon the interests of the owners in the real or leasehold property served by said sewers or drains, with power also to provide for the enforcement of such liens by sale of the property whether real or leasehold; to condemn any land or interest in land in the mode provided in this Article for the use of the Mayor and City Council of Baltimore in the construction of any sewers or sewerage system; to inspect and regulate house drainage and sewerage connections, and to prescribe the kind and quality of material to be used for

To repair.

To condemn land for sewers.

Regulate drainage.

such purposes. But all work done in making, repairing or altering within private property, that is, not in any public street, public lane, public alley or public property, any private sewer or drain or waste or ventilating pipe connecting with a sewer, either public or private, shall be done under the supervision of the Inspector of Plumbing of said City under the direction of the Commissioner of Health and under a permit from the Commissioner of Health or his authorized assistant, to be issued only to any person duly qualified to do such work under said Article 4 of the Public Local Laws of Maryland, said permit to be issued in accordance with any ordinances now existing or which may hereafter be passed by the Mayor and City Council of Baltimore not in conflict herewith, or in accordance with any rules which may be adopted by said Commissioner of Health not in conflict herewith or with such ordinances. No other permit from any other officer whatever shall be required for said work and no charge shall be made by the Commissioner of Health for said permit or for inspecting the work done thereunder. No charge shall be made by the City Engineer or any other officer for inspecting any work in the public streets, public lanes or public alleys of said City done in connection with private sewers or house drains.

Kirby v. Citizens Ry. Co., 48 Md. 168. *Kranz v. Mayor*, 64 Md. 491. *Hitchins v. Frostburg*, 68 Md. 108. *Chesapeake & Potomac Tel. Co. v. McKenzie*, 74 Md. 48. *Baltimore City v. Schnitker*, 84 Md. 43. *Baltimore City v. Cowen*, 88 Md. 447. *Cahill v. Baltimore City*, 93 Md. 233.

See also, *Short v. B. P. C. Ry. Co.*, 50 Md. 73. *P., W. & B. R. R. Co. v. Davis*, 68 Md. 281. *Frostburg v. Duffy*, 70 Md. 47. *Hitchins v. Frostburg*, 70 Md. 57. *Lion v. B. C. P. Ry. Co.*, 90 Md. 266. *Guest v. Commissioners Church Hill*, 90 Md. 689.

(24) SQUARES, SPRINGS AND MONUMENTS.

1892, ch. 349.

P. L. L. (1888) Art. 4, Secs. 799D, 799E, 799F.

To establish, regulate and control all squares, springs and monuments erected or constructed within the City of Baltimore, and to provide for the maintenance of same. To provide by ordinance for the purchase or condemnation of all that land lying in the City of Baltimore between the

To establish
and regulate
squares, etc.

lines of Dolphin street on the north, Biddle street on the south, Jordan Alley on the east, and Morris Alley on the west, or so much thereof as may be necessary, upon a proper survey, to extend the line of parking known as Eutaw Square from Dolphin street to Biddle street, and the driveways on each side thereof ; and to provide for the assessing and levying on the whole assessable property of the said City, or on the property of persons thereby benefited, the whole or any part of the damages and expenses which may be incurred in acquiring said land, and in locating and laying out the said line of square ; and to provide for the granting of appeals to the Baltimore City Court, from the decisions of the Commissioners for Opening Streets or any Commissioners, or other persons, appointed by authority of any ordinance to ascertain the damages which will be caused or the benefits which will accrue to the owners or possessors of ground, or improvements in acquiring said land, and in locating, laying out and extending said square from Dolphin Street to Biddle Street, and for securing to every such owner and possessor the right, on application within a reasonable time, to have decided by a Jury trial, whether any damage has been caused, or any benefit has accrued to them and to what amount ; and to provide for collecting and paying over the amount of compensation adjudged to each person entitled, or investing it in stock of said City, for the use of any such persons who, because of their infancy, absence from the City, or any other cause, may be prevented from receiving it, before any part of the land lying within the said lines shall be taken. Before the said City shall pass any ordinance under the above provisions, at least sixty days' notice shall be given of any application for the passage of such ordinance, in at least two daily papers in said city ; and before the Commissioners for Opening Streets or any Commissioner or Commissioners appointed by any ordinance under the above provisions shall proceed to the performance of his or their duty, he or they shall give notice in at least two of the daily newspapers in the City of Baltimore, of the object of the ordinance under which he or they propose to act, at least thirty days before the time of their first meeting to execute the same.

To extend
Eutaw
Square.

Assessments
and Appeals.

To collect as-
sessments.

Notice of Ordi-
nance to be
published.

Notice before
taking action

(25) STOCKS, LOANS AND FINANCE.

P. L. L. (1860) Art. 4, Sec. 867. 1861, ch. 75. 1876, ch. 167. 1880, ch. 94. P. L. L. (1888) Art. 4, Secs. 801, 804.

To levy upon the assessable property within the City, and collect by tax any sum which may be necessary to pay and discharge the principal and interest of any loan which may heretofore have been obtained, or which may hereafter be obtained by said City according to law. It shall create a sinking fund to meet the liabilities thus incurred, and may also levy upon the assessable property of the City of Baltimore, from time to time, such sums as may be necessary to provide therefor, and for the payment of the principal and interest of the liabilities to be incurred under this section, and may pass all ordinances necessary to carry out the purpose of the same. Whenever the Commissioners of Finance shall be authorized by the City to invest moneys belonging to the sinking fund of said City, in annuities or ground rents, reserved out of the lands leased to the City and payable by the said City, the said Commissioners may purchase such rents or annuities and reversions of such lands; and the conveyances thereof taken may be made to the Mayor and City Council of Baltimore, in trust for the benefit and purpose of the said sinking fund; and in every such case, such conveyances shall not work a merger of the lease or term, but, until otherwise provided by law, the rent shall continue to be payable to the City as if such purchase had not been made, but shall be received and applied by the Commissioners of Finance as the income of other investments of the sinking fund may be applied. Whenever and as often as it may be necessary hereafter to issue certificates of indebtedness or City stock or bonds of the City of Baltimore, either for loans of the said City, already created and authorized by law, but not yet negotiated and issued, or for loans which may be hereafter created and authorized to be issued as aforesaid, provision may be made, in the discretion of the City for the payment of any taxes which the holders of said certificates or bonds may be legally liable; provided, however, that the rate of interest payable on said loan shall not exceed

Tax to pay
principal and
interest.

To create Sink-
ing Fund.

Investments of
Sinking
Fund in
Ground
Rents.

Payment of
Taxes on City
Stock.

the rate of five per cent. per annum ; and provided, further, that nothing herein contained shall prevent the said City from negotiating said loans, or any part thereof, already authorized by law, but not yet actually issued, or which may be hereafter created and authorized by law, at a lower rate of interest than five per cent. per annum, whenever it may appear to the said City practicable and advisable to do so.

Baltimore v. Gill, 31 Md. 375.

(26) STREETS, BRIDGES AND HIGHWAYS

(A) Opening, Extending, Widening, Straightening or closing up Streets.

1817, ch. 148. 1832, ch. 57. 1833, ch. 182. 1838, ch. 226. P. L. L., (1860) Art. 4, sec. 837. 1878, ch. 143. P. L. L., (1888) Art. 4, secs. 806, 806½. 1894, ch. 312.

To provide for opening, laying out, etc., streets.

To provide for laying out, opening, extending, widening, straightening or closing up, in whole or in part, any street, square, lane or alley within the bounds of said City, which in its opinion the public welfare or convenience may require. To provide for ascertaining whether any, and what amount in value, of damage will be caused thereby, and what amount of benefit will thereby accrue to the owner or possessor of any ground or improvements within or adjacent to said City, for which said owner or possessor ought to be compensated, or ought to pay a compensation, and to provide for assessing or levying, either generally on the whole assessable property of said City, or specially on the property of persons benefited, the whole or any part of the damages and expenses which it shall ascertain will be incurred in locating, opening, extending, widening, straightening or closing up the whole or any part of any street, square, lane or alley in said City. To provide for granting appeals to the Baltimore City Court, from the decisions of the Commissioners for Opening Streets or any Commissioner or Commissioners, or other persons appointed by virtue of any ordinance, to ascertain the damage which will be caused or the benefit which will accrue to the owners or possessors of ground or improvements by locating,

To assess damages and benefits by reason thereof.

Appeals from decision of Commissioners.

opening, extending, widening, straightening or closing up, in whole or in part, any street, square, lane or alley within the said City, and for securing to every such owner or possessor the right, on application within a reasonable time, to have decided by a jury trial whether any damage has been caused, or any benefit has accrued to them, and to what amount. To provide for collecting and paying over the amount of compensation adjudged to each person entitled, or investing it in stock of the said City, for the use of any such person who, because of infancy, absence from the City or any other cause, may be prevented from receiving it, before any street, square, lane or alley, in whole or in part, shall be so opened, extended, widened, straightened or closed up, and to enact and pass all ordinances, from time to time, which shall be deemed necessary and proper to exercise the powers and effect the objects above specified. To acquire the fee simple interest in any land for the purpose of opening, extending, widening or straightening, in whole or in part, any street, square, lane or alley in Baltimore City. To provide by ordinance for the collection of rent or revenue, which may or can be derived or collected from the occupiers, tenants, or by whatever term they may be called, for the use and occupation by them, of all building or buildings, or other property which the City pays for, to the owners thereof, in all cases of street openings, straightenings, closings or widenings, or in any case of condemnation for any purpose whatever, said rent to be paid by said tenants or occupiers of said building or buildings, or other property, to the City authorities, from the date of payment for the same by the City to the owners thereof, or from the date of the tender of such payment, if for any cause said owners refuse or cannot lawfully accept the same, until said building or buildings are removed, and until said property shall be required by the City for its purposes, under the condemnation proceedings.

Jury trial provided.

Collection of assessments.

Infancy, etc.

To acquire fee simple interest in land, rents, revenue, arising thereout.

Alexander v. Mayor, &c., 5 Gill 383. Methodist Prot. Ch., v. Mayor, &c., 6 Gill 391. Richardson v. Mayor, 8 Gill 433. White v. Flannigan, 1 Md. 542. Moale v. Mayor, &c., 5 Md. 321. Steuart v. Mayor, &c., 7 Md. 500. Mayor v. Porter, 18 Md. 284. State v. Graves, 19 Md. 351.

Steuart v. State, 20 Md. 97. *Douglass v. Boonsboro Turnp. Co.*, 22 Md. 219. *Mayor, &c. v. Bouldin*, 23 Md. 328. *Mayor, &c. v. Clunet*, 23 Md. 449. *Hawley v. Mayor, &c.*, 33 Md. 280. *Page v. Mayor, &c.*, 34 Md. 558. *Hazelhurst v. Mayor, &c.*, 37 Md. 199. *Mayor v. Grand Lodge*, 44 Md. 436. *Norris v. Mayor, &c.*, 44 Md. 598. *McCormick v. Mayor, &c.* 45 Md. 527. *Dashiell v. Mayor*, 45 Md. 616, 625, 626. *Northern Central R. R. Co. v. Mayor, &c.*, 46 Md. 425. *Brooks v. Mayor, &c.*, 48 Md. 265. *Mayor, &c. v. St. Agnes Hospital of Balto.*, 48 Md. 419. *Mayor, &c. v. Reitz*, 50 Md. 574. *Hall v. Mayor, &c.*, 56 Md. 194. *Mayor, &c. v. Black*, 56 Md. 333. *State ex rel. Henderson v. Taylor*, 59 Md. 341. *Mayor, &c. v. Hook*, 62 Md. 371. *Central Savings Bank v. Mayor, &c.*, 71 Md. 515. *Zion Church v. Mayor*, 71 Md. 524. *Friedenwald v. Baltimore*, 74 Md. 123. *Van Witzen v. Gutman*, 79 Md. 412. *Balto. v. Ulman*, 79 Md. 486. *M. & C. C. of Balto. v. Smith*, 80 Md. 466. *M. & C. C. of Balto. v. Frick*, 82 Md. 86. *Baltimore v. Coates*, 85 Md. 531. *Balto. City v. Broumel*, 86 Md. 159. *Baltimore City v. Cowen*, 88 Md. 450. *Bembe v. Anne Arundel Co.*, 94 Md. 226. *Riggs v. Winterode*, 100 Md. 447.**

(B) GRADE LINES OF STREETS.

1874, ch. 218. P. L. L., (1888) Art. 4, sec. 809. 1888, ch. 285.

Power to
change grade
lines of
streets.

To provide by general or special ordinance for the establishment, and change from time to time, of the grade lines of any street, lane or alley, or part thereof, located or laid out upon the plan of said City.

**Dashiell v. Mayor, &c.*, 45 Md. 616. *Cumberland v. Willson*, 50 Md. 147, 148. **Kelley v. Mayor, &c.*, 65 Md. 175. **O'Brien v. Balto. Belt R. R.*, 74 Md. 373. **Baltimore City v. Cowen*, 88 Md. 447, 458. **Guest v. Church Hill*, 90 Md. 693.

(C) GRADING, PAVING, CURBING, ETC., STREETS

(Special Ordinance.)

1874, ch. 218. P. L. L., (1888) Art. 4, sec. 810. 1892, ch. 219.

Powers as to
grading, re-
grading, re-
shelling, re-
shelling, pav-
ing and re-
paving, curb-
ing, re-curb-
ing streets,
lanes and
alleys.

To provide by ordinance for grading, shelling, graveling, paving and curbing, or for the regrading, reshelling, regrading, repaving and recurbing of any street, lane or alley in said City, or part thereof, now condemned, ceded, opened as a public highway, or which may hereafter be condemned, ceded, opened, widened, straightened or

**NOTE: The City is not compelled to accept any dedicated street. Until accepted such streets remain private property.

Brady v. Balto. Belt R. R., Daily Record, November 26, 1894.

altered according to the laws and ordinances regulating the same, and also for assessing the cost of any such work, in whole or in part, upon the property binding upon such street, lane or alley, or part thereof, according to such rule or basis as it may determine, and for collecting said assessments as other City taxes are collected or in such manner as it may prescribe, either before or after the work shall have been done, provided that before the passage by either Branch of the City Council of any ordinance requiring the whole or any portion of the costs to be assessed upon the property ten days' notice shall be given in at least two of the daily newspapers in said City, and an opportunity shall be afforded to all persons interested therein to appear and be heard before some appropriate committee of the Council, and it may also provide for appeals to the Baltimore City Court from the decisions of the Commissioners for Opening Streets or any Commissioner or Commissioners, or other person or persons appointed to determine the amount

Notice of ordinance to be given.

The doctrine of adverse possession applies to the case of property dedicated to public use for a highway within the territorial limits of a municipal corporation. A municipal corporation may be held to be estopped from setting up a claim to a public highway.

Bing v. Mayor & C. C. of Baltimore, Daily Record, April 3, 1889.

In relation to opening, widening, straightening, etc., streets, *see*,

Binney's Case, 2 Bland, 129. *Graff v. Mayor & C. C. of Baltimore*, 10 Md. 544. *Merrick v. Mayor*, 43 Md. 219. *Black v. Mayor, &c.* 50 Md. 235. *Tinges v. Mayor, &c.* 51 Md. 600. *Hiss v. Balto. & Hampden Pass. Railway Co.*, 52 Md. 242. *McMurray v. Mayor, &c.*, 54 Md. 103. *Hodges v. Balto. Union Pass. Railway Co.*, 58 Md. 603. *Co. Commrs. of Balto. Co., v. Md. Hospital*, 62 Md. 127. *Mayor, &c. v. White*, 62 Md. 362. *Glenn v. Mayor*, 67 Md. 390. *Hitchins v. Frostburg*, 68 Md. 100. *P., W. & B. R. R. v. Shipley*, 72 Md. 93. *Pitts v. Baltimore*, 73 Md. 326. *Friedenwald v. Shipley*, 74 Md. 220. *Heaver v. Lanahan*, 74 Md. 498. *Burk v. Mayor & C. C. of Balto.*, 77 Md. 471. *Gluck v. Baltimore*, 81 Md. 315. *Baltimore City v. Fear*, 82 Md. 246. *Baldwin v. Trimble*, 85 Md. 397. *Flersheim v. Mayor*, 85 Md. 493. *Valentine v. Hagerstown*, 86 Md. 488. *Clendenin v. Md. Construction Co.*, 86 Md. 80. *Baltimore City v. N. C. Ry. Co.*, 88 Md. 427. *Ogle v. Cumberland*, 90 Md. 62. *Gardiner v. Baltimore City*, 96 Md. 361. *Jenkins v. Riggs*, 100 Md. 438.

****NOTE:** For further decisions relating to grading, paving and curbing, *see*,—

Clements v. Mayor, &c. of Baltimore, 16 Md. 208. *Mayor, &c. v. Harwood*, 32 Md. 471. *Peddicord v. Balto., Catonsville, &c., Co.*, 34 Md.

Hearing appeals and practice as in street opening cases.

of assessment to be made upon any property under any such ordinance ; and in the trial of such appeal the practice shall conform as near as may be to the practice in the trials of street appeals, including the right of appeal to the Court of Appeals.

Mayor, &c. *v.* Moore, 6 H. & J. 375. Mayor, &c. *v.* Hughes, 1 G. & J. 480. Eschbach *v.* Pitts, 6 Md. 71. Mayor, &c. *v.* Greenmount Cemetery, 7 Md. 517. Henderson *v.* Mayor, 8 Md. 352. Mayor, &c. *v.* Porter, 18 Md. 284. N. C. Ry. Co. *v.* Baltimore, 21 Md. 105. Mayor, &c. *v.* Horn, 26 Md. 194. Balto. & Pot. R.R. Co. *v.* Reany, 42 Md. 118. Dashiell *v.* Mayor, 45 Md. 616. Burns *v.* Mayor, 48 Md. 198. Mayor, &c. *v.* Scharf, 54 Md. 499. Mayor, &c. *v.* Johns Hopkins, 56 Md. 1. Gould *v.* Mayor, 58 Md. 46. Gould *v.* M. & C. C. of Baltimore, 59 Md. 378. Moale *v.* Mayor, &c., 61 Md. 224. Mayor, &c. *v.* Hanson, 61 Md. 462. Mayor, &c. *v.* Johnson, 62 Md. 225. Mayor, &c. *v.* Hook, 62 Md. 371. Alberger *v.* Mayor, 64 Md. 1. Kelley *v.* Mayor, 65 Md. 171. Baltimore *v.* Raymo, 68 Md. 569. Ulman *v.* Mayor, 72 Md. 591, 609. Baltimore *v.* Ulman, 165 U. S. 719. O'Brien *v.* Balto. Belt R. R., 74 Md. 273. Baltimore *v.* Ulman, 79 Md. 469. Balto. *v.* Cowen, 88 Md. 457. Guest *v.* Church Hill, 90 Md. 693. Balto. City, *v.* Stewart, 92 Md. 535, 551. Cahill *v.* Baltimore City, 93 Md. 233. Kent County *v.* Godwin, 98 Md. 84. Frostburg *v.* Wineland. 98 Md. 243.**

(D) GRADING, PAVING, CURBING, ETC., STREETS.

(General Ordinance, Application of Owners.)

1874, ch. 218. P. L. L., (1888) Art. 4, sec. 811.

Levy and collection of tax for streets graded, paved, re-paved, curbed or re-curbed, where majority of owners of front feet apply for such work to be done.

To provide by general ordinance, subject to provisions and requirements of section 85 of this Article, for the grading, graveling, shelling, paving or curbing, or for the regrading, regraveling, reshelling, repaving or recurb-ing of any street, lane or alley, or part thereof, in said City, without the passage of a special ordinance in the

463. Cumberland *v.* Willson, 50 Md. 138. Hitchins *v.* Frostburg, 68 Md. 100. C. & P. Tel. Co. *v.* McKenzie, 74 Md. 48. M. & C. C. of Balto. Turnpike Co., 80 Md. 536. Smyrk *v.* Sharp, 82 Md. 97. Hagerstown *v.* Startzman, 93 Md. 609. DeLawder *v.* Balto. County, 94 Md. 1. Offutt *v.* Montgomery Co., 94 Md. 115.

The ten days' notice of the passage of an ordinance authorizing paving prescribed by Act 1892, ch. 219 (now sec. 6 of Charter) must be given or a Court of Equity will intervene.

Bond *v.* Malster, Daily Record, July 6, 1899.

As to degree of care City must exercise in keeping the streets in repair, *see*,

Baltimore City *v.* Lobe, 90 Md. 314.

particular case, whenever the owners of a majority of the front feet of property binding on such street, lane or alley, or part thereof, shall apply for the same, upon terms and under conditions to be prescribed in the same general ordinance, and for the assessment in any such case of the cost of such work, in whole or in part, *pro rata*, upon all the property binding upon such street, lane or alley, or part thereof, and for the collection of such assessment as other City taxes are collected.

Method of assessment and collection of assessments.

Henderson *v.* Mayor, 8 Md. 352. Holland *v.* Mayor, 11 Md. 186. Bouldin *v.* Mayor, 15 Md. 18. Mayor, &c. *v.* Eschbach, 18 Md. 276. Mayor *v.* Porter, 18 Md. 284. Howard *v.* First Ind. Church, 18 Md. 451. Mayor, &c. *v.* Bouldin, 23 Md. 328. Mayor, &c. *v.* Horn, 26 Md. 195. Lester *v.* Mayor, 29 Md. 419. Dashiell *v.* Mayor, 45 Md. 624. Burns *v.* Mayor, 48 Md. 200. Wolff *v.* M. & C. C. of Baltimore, 49 Md. 446. Mayor, &c. *v.* Johns Hopkins Hospital, 56 Md. 1. Moale *v.* Baltimore, 61 Md. 237. Mayor, &c. *v.* Boyd, 64 Md. 10.

(E) LEVY OF TAX TO PAY UNPAID ASSESSMENTS FOR GRADING, PAVING, ETC.

1892, ch. 284. P. L. L., (1888) Art. 4, sec 811A.

In any and all cases where any street, lane or alley, or any part thereof, in the City, has been graded, paved or curbed, or regraded, repaved or recurbed, under any ordinance which provided for assessing the whole or any portion of the cost of such improvement upon the property binding upon such street, lane or alley, or part thereof, and such assessments, or any part thereof, remain unpaid, it shall be lawful for the City to provide by ordinance for the levy and collection in such manner as it may deem proper, of a tax upon all the property binding on any street, lane or alley, or part thereof, which may have been so improved, to the extent that such property shall have been specially benefited by such improvement, provided, that no property upon which the assessment originally made for its share of the cost of such improvement shall have been paid, shall be again assessed, and that reasonable notice and an opportunity to be heard shall be given to all persons interested before the final ascertainment of the amount of tax to be paid by any such property, and

Levy and collection of tax for streets heretofore graded, paved, repaved, curbed or recurbed,

Notice, appeals.

Procedure as in
street ap-
peals.

the said City shall provide for appeals to the Baltimore City Court by any person or persons interested, including the City itself from the decision of the Commissioners for Opening Streets, or any Commissioner or Commissioners or other persons appointed to determine the amount or amounts of such special taxes or assessments ; and in the trial of such appeals the practice shall conform as near as may be to the practice in the trial of street appeals, including the right of appeal to the Court of Appeals.

**Baltimore v. Ulman*, 79 Md. 480. **Ulman v. Baltimore*, 165 U. S. 719. *Balto. v. Stewart*, 92 Md. 535.

(F) FOOTWAYS.

P. L. L., (1860) Art. 4, sec. 852. P. L. L., (1888) Art. 4, sec. 816.

Grading, regu-
lating, pav-
ing and re-
pairing foot-
ways.

To pass all ordinances necessary for grading, regulating, paving and repairing the footways in the streets, lanes and alleys of the City, and impose a tax on any lot fronting on any paved street, lane or alley, for the purpose of grading, regulating, paving or repairing footways in front thereof, or compel by fine or otherwise the owner or proprietor of any lot to pave or repair the footways in front thereof, agreeable to the ordinances to be passed by it.**

(G) REGULATING USE OF STREETS.

OBSTRUCTIONS AND ENCROACHMENTS.

To regulate use
of, and pre-
serve street as
a highway.

To regulate the use of streets, highways, roads, public places and sidewalks by foot passengers, animals, vehicles, cars, motors and locomotives, and prevent encroachment thereon and obstruction of the same.†

C. & P. Tel. Co. *v.* Baltimore City, 89 Md. 705. *Hagerstown v. Klotz*, 93 Md. 440. *Townsend, Grace & Co. v. Epstein*, 93 Md. 537. *Baltimore City v. Beck*, 96 Md. 190. *B. & O. R. R. Co. v. Balto. City*, 98 Md. 536. *Knight v. Balto. City*, 97 Md. 649. *Balto. City v. Walker*, 98 Md. 640. *Brauer v. Refrigerator Co.*, 99 Md. 376.

**NOTE.—*See, State v. Kent County*, 83 Md. 379.

†NOTE. As to widening of sidewalks by City, *see, Klein v. U. Rys. & Elec. Co.*, Daily Record, January 4, 1906.

For decisions arising out of the exercise and construction of powers under paragraph (G), *see*,

(H) OPENING OF STREET SURFACE.

To regulate the opening of street surface, for the purposes authorized by law or ordinance.**

Regulation of same.

(I) NUMBERING HOUSES.

To regulate the numbering of houses, lots, streets and avenues, and the naming of streets, avenues and public places.

Numbering houses, etc., and naming streets.

(J) REGULATING USE OF SIDEWALKS AND STREETS BY SIGNS, POLES, WIRES, ETC.

To regulate the use of sidewalks for use of telegraph posts, trolley poles, electric light poles, telegraph wires, electric light wires, and for any and all other purposes,

To regulate the use of sidewalk for any purpose and space above and below same.

Mayor & C. C. of Balto. *v.* Marriott, 9 Md. 160. Roman *v.* Strauss, 10 Md. 89. Mayor, &c., Balto. *v.* Pennington, 15 Md. 12. Altvater *v.* Mayor, 31 Md. 462. Houck *v.* Wachter, 34 Md. 265. Peddicord's Case, 34 Md. 463. Mayor, &c. *v.* Holmes, 39 Md. 243. Flynn *v.* Canton Co., 40 Md. 312. Mayor, &c., Balto. *v.* O'Donnell, 53 Md. 110. Turner *v.* Holman, 54 Md. 148. Gore *v.* Brubaker, 55 Md. 87. Canal Co. *v.* County Commrs., 57 Md. 201. Textor *v.* B. & O. R. R. Co., 59 Md. 63. Sinclair *v.* Baltimore, 59 Md. 598. Crook *v.* Pitcher, 61 Md. 510.

Thomas *v.* Ford, 63 Md. 346. Taylor *v.* Cumberland, 64 Md. 68. Garrett *v.* Janes, 65 Md. 260. Kennedy *v.* Cumberland, 65 Md. 514. C. & P. Tel. Co. *v.* Mckenzie, 74 Md. 49, 50. Koch *v.* N. Ave. Ry. Co., 75 Md. 229. N. Balto. R. R. Co. *v.* N. Ave. R. R. Co., 75 Md. 233. N. Balto. R. R. Co. *v.* Baltimore, 75 Md. 247. Twilley *v.* Perkins, 77 Md. 262. Lake Rol. El. R. R. Co. *v.* Balto., 77 Md. 372-381. Green *v.* City & Sub. Ry. Co., 78 Md. 307. Condon *v.* Sprigg, 78 Md. 337. Garrett *v.* Lake Rol. Elv. R. R. Co., 79 Md. 277. Postal Telg. Cable Co. *v.* Baltimore, 79 Md. 512. Cochran *v.* Frostburg, 81 Md. 54. Ulman *v.* Charles St. Ave. Co., 83 Md. 145. Baldwin *v.* Trimble, 85 Md. 396. Gunther *v.* Dranbauer, 86 Md. 1. Reidel *v.* P., W. & B. R. R. Co., 87 Md. 158. Worcester Co. *v.* Ryckman, 91 Md. 37. Mason *v.* Cumberland, 92 Md. 462. Keen *v.* Havre de Grace, 93 Md. 34. Magaha *v.* Hagerstown, 95 Md. 69. New Windsor *v.* Stocksedale, 95 Md. 215.

**In relation to opening street surface, *see*, State *v.* Latrobe, 81 Md. 233. Edison Co. *v.* Hooper, 85 Md. 111. C. & P. Telephone Co. *v.* Balto. City, 89 Md. 689. Balto. City *v.* Balto. Co. W. & E. Co., 95 Md. 239.

and to prohibit the erection of any posts, poles or wires, and to compel the removal of any posts, poles or wires in, over or above any street, sidewalk or highway.*

Ches. & Pot. Tel. Co. v. McKenzie, 74 Md. 47. *Postal Telg. Cable Co. v. Baltimore*, 79 Md. 512. *Balto. City v. Walker*, 98 Md. 637. *Brauer v. Refrigerating Co.*, 99 Md. 512.

(K) CLEANING AND LIGHTING STREETS.

Cleaning
streets.

P. L. L. (1860) Art. 4, sec. 862. P. L. L. (1888) Art. 4, sec. 819.

Lamps and
Lighting.

To clean the streets and remove the dirt and filth therefrom, and to prohibit and punish by ordinance, the placing of any dirt, filth or other matter therein, and to protect any pavement by prohibiting the travel thereon. To erect lamps in any of the streets, lanes or alleys of said City, and cause the same to be lighted at the expense of the City.

Baltimore City v. Beck, 96 Md. 183. *See, also, Am. Lighting Co. v. McCuen*, 92 Md. 705.

(L) USE OF STREETS BY TRACKS, POLES AND WIRES.

Railroad
tracks, gas
pipes, poles
and wires.

P. L. L., (1888) Art. 4, sec. 819A. 1890, ch. 370.

To regulate the use of streets, lanes or alleys in said City, by railway or other tracks, gas or other pipes, telegraph, telephone, electric light or other wires and poles,

Ches. & Pot. Tel. Co. v. McKenzie, 74 Md. 47-48. *Koch v. North Ave. Ry. Co.*, 75 Md. 222-229. *N. Balto. Pass. Ry. Co. v. N. Ave. Ry. Co.*, 75 Md. 233. *N. Balto. Pass. Ry. Co. v. Mayor, &c., Balto.*, 75 Md. 247. *Lake Rol. R. R. Co. v. Baltimore*, 77 Md. 380-381. *Garrett v. Lake Rol. El. R. R. Co.*, 79 Md. 286. *Postal. Tel. Cable Co. v. Balto.*, 79 Md. 511. *Edison Co. v. Hooper*, 85 Md. 111. *Hooper v. Balto. City Pass. Ry. Co.*, 85 Md. 509. *Poole v. Falls Rd. Ry. Co.*, 88 Md. 533. *C. & P. Tel. Co. v. Balto. City*, 89 Md. 705. *C. & P. Tel. Co. v. Balto. City*, 90 Md. 638. *Baltimore v. C. & P. Tel. Co.*, 92 Md. 692. *Balto. v. Balto. Co. W. & Elc. Co.*, 95 Md. 239. *Purnell v. McLane*, 98 Md. 594. *Simon's Sons v. Md. Tel. & Telg. Co.*, 99 Md. 173.

*NOTE:—The Act, 1906, chapter 152 and the Act 1904, chapter 616, re-enacting section 8 of the Charter, by their terms necessarily modify the general power of the Mayor and City Council of Baltimore in relation to signs, sign posts, awnings, awning posts and horse troughs where construction or erection of same obstructs sidewalk. Sub-division "J" of section 6, *supra*, has been modified accordingly.

in, under, over or upon the same, and to require all such wires to be placed under ground after such reasonable notice as it may prescribe.**

(M) CONDUITS, ELECTRICAL COMMISSION AND RENTALS OF CONDUITS.

1892, Ch. 200. P. L. L. (1888) Art. 4, Sec. 819 B.

To provide a series of conduits under the streets, lanes and alleys of said City, or any part or parts thereof, for the use of telephone, telegraph, electric light and other wires, either by constructing said conduits itself or authorizing their construction by such person or corporation, upon such terms as may be agreed upon. To appoint an Electrical Commission, with such powers and duties as it may deem proper or appropriate for carrying out the aforesaid provisions of this section relating to conduits. To require all such wires, or any part or parts thereof, and the poles carrying the same, to be removed from the surface of the streets, lanes or alleys of said City, or any part or parts thereof, and to require such wires to be placed in such conduits, all under such penalty as it may prescribe. To prescribe and establish reasonable rentals to be paid by any company or person using any of said conduits, by whomsoever the same may be constructed, for the use thereof, and to provide for the collection of such rentals, in addition to the ordinary processes by such summary methods as it may deem appropriate; provided, however, that nothing contained in this Article shall be

Conduits for Telephone, telegraph and electric light wires.

Electrical Commission.

Wires to be placed in conduits.

Rentals.

****NOTE:—**Rule laid down as to extent of City's right to regulate erection of poles in the streets. *City & Suburban Railway Company, v. Brush Electric Co.*, Daily Record, December 20, 1895.

When action at law is only remedy for injuries to abutting property by the erection of a pole. *Polenk v. Md. Telephone Company*, Daily Record, June 13, 1901.

For further decisions relating to use of streets by tracks, poles and wires, *see*,

N. C. Ry. Co. v. M. & C. C. of Balto., 46 Md. 423. *Kirby v. Citizens Ry. Co.*, 48 Md. 168. *Hiss v. Balto. & H. Ry. Co.*, 52 Md. 242. *Hodges v. B. C. P. Ry. Co.*, 58 Md. 603. *Canton Co. v. B. & O. R. R. Co.*, 79 Md. 432. *State ex rel v. Latrobe*, 81 Md. 222. *Birch v. Lake Rol. El. R. R. Co.*, 83 Md. 369. *United Rys. Co. v. Hayes*, 92 Md. 490. *Lonaconing v. Consol. Coal Co.*, 95 Md. 635. *B. & O. R. R. Co. v. Baltimore*, 98 Md. 536. *Consol. Gas Co. v. Balto. Co.*, 98 Md. 696.

Proviso-Ord.
41, 1889.

deemed or taken to modify or change, in any manner, the provisions of Ordinance Number Forty-one, of the Mayor and City Council of Baltimore, approved May 9, 1889, or the rights and privileges granted thereby to the companies therein named or either of them.

Hooper v. City Pass. Ry. Co., 85 Md. 110. *C. & P. Tel. Co. v. Baltimore*, 89 Md. 689. *C. & P. Tel. Co. v. Baltimore*, 90 Md. 638. *C. & P. Tel. Co. v. Baltimore*, 92 Md. 692. *Purnell v. McLane*, 98 Md. 590. *Cf.*, *Edison Co. v. Hooper*, 85 Md. 110. *Simon's Sons v. Md. Tel. Co.*, 99 Md. 173.

(N) BRIDGES AND TURNPIKE ROADS.

1824, ch. 105. P. L. L., (1860) Art. 4, sec. 857.

P. L. L., (1887) Art. 4, sec. 818.

To purchase
with County
Commission-
ers, turnpike
roads leading
toward City.

To purchase, with the County Commissioners of any adjoining or neighboring counties of said City, all bridges and turnpike roads, or any portions thereof, leading toward said City, at such times and upon such terms as it and said County Commissioners on the one part, and the owner of such bridges and highways on the other, may mutually agree, and when so purchased all or any of them shall thereafter be free public highways, and as such under the care and management of said City and said County Commissioners, as they may respectively provide and stipulate as between them.

Hooper v. President, B. & Y. Turnpike Road, 34 Md. 521. *Balto. & Havre de Grace Turnpike Co. v. Union Ry. Co.*, 35 Md. 224. *Peddycord v. B. C. & E. M. R. R. Co.*, 34 Md. 463. **M. & C. C. of Baltimore v. Turnpike Co.*, 80 Md. 541. *See Frush v. Mayor*, City Court, Oct. 15, 1874, decision of Brown, C. J.

(O) CATHEDRAL CEMETERY.

1886, ch. 280. P. L. L., (1888) Art. 4, sec. 822.

Opening
streets
through Ca-
thedral Cem-
etery.

To exercise, in reference to opening streets and alleys through Cathedral Cemetery or burial ground in said City, all the rights and powers which it has, or may hereafter be conferred upon it, in reference to opening streets, lanes or alleys in said City.

Cathedral v. Manning, 72 Md. 133.

(P) LIGHT STREET BRIDGE.

1886, ch. 24. P. L. L. (1888) Art. 4, sec. 823.

With the County Commissioners of Anne Arundel County, to cause to be erected and maintained at their joint expense lamps along and on Light Street Bridge, not more than seventy-five yards apart; provided, that there shall be at least one lamp at each end of the draw of said bridge, and the said lamps shall be attended to, cleaned, lighted at night and extinguished in the morning by the keeper of said bridge.

Joint maintenance of lights on bridge.

Pumphrey v. Mayor, 47 Md. 145. *Mayor, &c., v. Stoll*, 52 Md. 435.
See note pages 364-365 City Code (1879).

(27) SURVEYOR.

P. L. L., (1860) Art. 4, sec. 865. P. L. L., (1888) Art. 4, sec. 825.

To prescribe by ordinance the duties and compensation of the City Surveyor.

Duties and compensation.

(28) TAXES.

(A) ANNUAL LEVY.

1874 ch. 180. P. L. L., (1888) Art. 4, sec. 827.

To levy annually upon the assessable property of the City, by direct tax, with full power to provide by ordinance for collection of the same, such sum of money as may be necessary, in its judgment, for the purpose of defraying the expenses of said City over and exclusive of all expenses, charges and sums of money which it is, or shall be required by law to collect for other purposes subject to the provisions and limitations herein contained.

To levy direct tax annually and provide by ordinance for collection thereof.

St. Mary's Industrial School v. Brown, 45 Md. 329-333. *Hopkins v. Van Wyck*, 80 Md. 17. *Casualty Ins. Co.'s Case*, 82 Md. 561-564. *Cf., Insurance Co. v. Mayor, &c.*, 23 Md. 296. *Watts v. Port Deposit*, 46 Md. 500-505. *Mayor, &c., v. Johnson*, 62 Md. 225. *Hebb v. Moore*, 66 Md. 167. *B. C. & A. R. R. Co. v. Wicomico Co.*, 93 Md. 124. *Water Co. v. Westminster*, 98 Md. 551.

(B) PROPERTY TAXABLE.

1865 ch. 119. P. L. L., (1888) Art. 4, sec. 828.

To levy and collect taxes upon every description of property found within the corporate limits of said City, which it is now authorized by law to levy taxes upon, for the

To levy and collect tax on all property within City legally taxable.

Property ex-
empted.

purpose of defraying the expenses of the municipal government, whether the owners thereof reside within or without the limits of said corporation; provided that no stocks, bonds, mortgages, certificates or other evidences of indebtedness of any bank or other corporation situate within the limits of said City, which are owned or held by persons residing without said limits, shall be subject to taxation for the purpose above set forth; and provided further that no authority is given by this section to impose taxes on any property which is now or may hereafter be exempted from taxation by any general or special Act of the General Assembly of Maryland, nor upon any property which may be stored or deposited in the City of Baltimore for temporary purposes.**

M. & C. C. of Balto. v. B. & O. R. R. Co. 6 Gill 294. Latrobe v. Mayor, 19 Md. 13. Mayor v. Sterling, 29 Md. 48. The Appeal Tax Court Cases in 50 Md. Gunther v. Baltimore, 45 Md. 457. Union, &c. Co. v. Mayor, 71 Md. 405. Hopkins v. Baker, 78 Md. 363. Postal Tel. Cable Co. v. Balto., 79 Md. 502. Park Tax Case, 84 Md. 1. Textor v. Shipley, 86 Md. 442. Corry v. Baltimore, 96 Md. 322. Balto. City v. Johnson, 96 Md. 738. Dry Dock Co. v. Baltimore, 97 Md. 103. Consolidated Gas Co., v. Baltimore 101 Md. 541.

**NOTE:—For additional decisions bearing upon the construction of this section, *see*,

Mayor, &c., v. Chase, 2 G. & J. 376. Dallam *et al.* v. Oliver's Exrs., 3 Gill 445. Mayor v. State, 15 Md 376. Mayor, &c. v. Grand Lodge, 60 Md. 280. Mayor, &c. v. Canton Co., 63 Md. 218. Bonaparte v. State, 63 Md. 446. Mayor, &c.. Balto. v. Hussey, 67 Md. 112. Degner v. Mayor, &c., 74 Md. 144. Wells v. Hyattsville, 77 Md. 133. County Commr's v. Winand, 77 Md. 522. U. S. Elec. Light Co. v. State, 79 Md. 63. Simpson v. Hopkins, 82 Md. 478. Myers v. Baltimore County, 83 Md. 386. Fredk. County v. Fredk. City, 88 Md. 658. Salisbury v. Jackson, 89 Md. 521. Kinehart v. Howard, 90 Md. 1. Monticello v. Baltimore City, 90 Md. 426. Balto. City v. Safe Deposit & Trust Co., 97 Md. 659. Balto. City v. Allegheny Co., 99 Md. 1. Cambridge v. Water Co. 99 Md. 501.

NOTE:—For other cases relating to taxes and taxation, *see* under sections 4, 4A, 36, 40, 42 to 58 inclusive, 145 to 171 inclusive, and 843 of the Charter.

Taxation of Easements by Appeal Tax Court: In Article 81, sections 2, 4, 138 and 141, the Legislature did not intend that such an easement as the Baltimore and Fredericktown Turnpike Company possesses in its road-bed in Baltimore City should be assessable by the Appeal Tax Court.

Balto. & Fredk. Turnpike Co. v. Mayor & C. C. of
Baltimore, Daily Record, May 7, 1903.

(C) ABATEMENTS TO ENCOURAGE MANUFACTURES.

1880, ch. 187.

P. L. L., (1888) Art. 4, sec. 829.

To provide by general ordinance, whenever it shall seem expedient for the encouragement of the growth and development of manufactures and manufacturing industry in the said City, for the abatement of any or all taxes levied by authority of the said Mayor and City Council of Baltimore, or by ordinance thereof, for any of the corporate uses thereof, upon any mechanical tools or implements, whether worked by hand or by steam, or other motive power, machinery, manufacturing apparatus or engines owned by any individual, firm or corporation in said City, and properly subject to valuation and taxation therein, which said tools, implements, machinery, apparatus or engines shall be actually employed and used in the business of manufacturing in said City, and it shall be the duty of the Appeal Tax Court to make such abatements of taxes levied as aforesaid as may be authorized and directed by said City by ordinance as aforesaid; provided that such abatement shall be extended to all persons, firms or corporations engaged in the branches of manufacturing industry proposed to be benefited by any ordinance passed under the provisions of this paragraph of this section; provided further, that application for such abatement as aforesaid shall be made or verified to the satisfaction of said Court by the oath of the party applying for the same, or other satisfactory evidence, before the annual revision and correction of the tax lists in each year, which said Appeal Tax Court is by law required to make, shall be completed and returned by said Court to the City Collector and Board of Estimates, and not afterwards; and said Court shall further keep a record of all abatements made by it aforesaid, and report in writing the aggregate amount thereof during the year to the said Mayor and City Council of Baltimore on or before the fifteenth day of October in each year.

Abatement of taxes on manufacturing plants and mechanical tools.

To be extended to all in industry proposed to be benefited.

Duties of Appeal Tax Court in reference to exemptions.

Consol. Gas Co. v. Mayor & C. C. of Balto., 62 Md. 588. Cf., Wells v. Hyattsville, 77 Md. 125. Electric Light Co. v. Frederick City, 84 Md. 599.

(D) COLLECTION OF TAXES.

1840, ch. 63. 1874, ch. 39. P. L. L., (1860) Art. 4, sec. 873. P. L. L., (1888) Art. 4, secs. 830, 831.

To extend the limits of direct taxation within the said City, from time to time, as it shall deem expedient. To have power to provide by ordinance or otherwise for the prompt collection of taxes due the City, and have power to sell real estate, as well as personal property, for the payment of taxes.**

Powers in relation to collection of taxes.

Mayor, &c. *v.* Howard, 6 H. & J. 383. Dugan *v.* Mayor, 1 G. & J. 499. Mayor, &c. *v.* Chase, 2 G. & J. 376. Dallam *et al v.* Oliver's Exrs., 3 Gill 445. Eschbach *v.* Pitts, 6 Md. 71. Latrobe *v.* Mayor, 19 Md. 13. Appeal Tax Court *v.* W. M. R. R. Co., 50 Md. 274. Appeal Tax Court *v.* Patterson, 50 Md. 354. Baltimore *v.* Hussey, 67 Md. 112. Union, &c. Co. *v.* Mayor, 71 Md. 238. Degner *v.* Mayor, 74 Md. 144. Parlett *v.* Dugan, 85 Md. 407. Textor *v.* Shipley, 86 Md. 442.

(29) THEATRICAL AND OTHER PUBLIC AMUSEMENTS,

P. L. L. (1860) Art. 4, Sec. 906. P. L. L. (1888) Art. 4, Sec. 665.

Power to license and regulate.

To provide for licensing, regulating and restraining theatrical or other public amusements within the City of Baltimore.

(30) WATER.

(A) ACQUISITION OF LAND AND WATERCOURSES.

1853, Ch. 376. P. L. L. (1860) Art. 4, Sec. 928.

P. L. L. (1888) Art. 4, Sec. 915.

Powers in relation to water supply.

To establish, operate, maintain and control a system of water supply for Baltimore City, and to pass all ordinances necessary in the premises. From time to time to contract for, purchase, lease, and hold, in fee simple, or for a term of years, any land, real estate, spring, brook,

**NOTE: In relation to collection of taxes generally, *see*,

Tuck *v.* Calvert, 33 Md. 209. Dashiell *v.* Mayor, 45 Md. 615. Wheeler *v.* Addison, 54 Md. 41. County Commissioners *v.* Union Mining Co., 61 Md. 545. Hebb *v.* Moore, 66 Md. 167. Condon *v.* Maynard, 71 Md. 601. Faust *v.* Building Ass'n., 84 Md. 186. Fowle *v.* Kemp, 92 Md. 628.

water, watercourse, and also the right to use and occupy, forever or for a term of years, any land, real estate, spring, brook, water or watercourse which it may conceive expedient and necessary for the purpose of conveying water into the said City for the use of the said City and for the health and convenience of the inhabitants thereof, and also the right to enter and pass through, from time to time, as occasion may require, and to use and occupy the said lands, through which it may deem necessary to convey the said water; and it is hereby invested with all the rights and powers necessary for the introduction of water into said City, and to enact and pass all ordinances, from time to time, which shall be deemed necessary and proper to exercise the powers and effect the objects above specified.

Full power to effect introduction of water into City.

Mayor, &c. *v.* Appold, 42 Md. 442. Mayor, &c. *v.* Warren Mfg. Co., 59 Md. 96. Baltimore City *v.* Merryman, 86 Md. 591. *Cf.*, Baltimore *v.* Ritchie, 51 Md. 232. Consolidated Gas Co. *v.* Balto. County, 98 Md. 695. Callaway *v.* Baltimore City, 99 Md. 316.

(B) SALE OF WATER.

1882, ch. 225. P. L. L., (1888) Art. 4, sec. 916.

To contract with individuals, firms or corporations for the use of the water of said City, on such terms and for such time as it may deem proper and expedient.

May contract for use of water.

Baltimore City *v.* Day, 89 Md. 555.

(C) ACQUISITION OF PROPERTY AND MATERIALS BY AGREEMENT.

P. L. L., (1860) Art. 4, sec. 929. P. L. L., (1888) Art. 4, sec. 917.

The Mayor and City Council of Baltimore, or any agent authorized by it, may agree with the owner of any land, real estate, spring, brook, water or watercourse, as aforesaid, earth, timber, stone or other materials which it may conceive expedient or necessary to purchase and hold, for the purpose of introducing water into the City of Baltimore.

May agree with land owner for purchase and holding of necessary land and materials for introducing water.

Baltimore City *v.* Day, 89 Md. 551.

(D) OR, MAY ACQUIRE SAME BY CONDEMNATION PROCEEDINGS.

1853, Ch. 376. P. L. L. (1860) Art. 4, Sec. 930.

P. L. L. (1888) Art. 4, Sec. 918.

May condemn any interest in land or property or any materials needed in introduction of water into City.

Provisions for summoning jury of inquisition and notice of same.

If they cannot agree, or if there be any incapacity or disability to contract with the owner of such land or real estate, spring, brook, water or watercourse as aforesaid, earth, timber, stone, or other materials, or with the owner of such lands through which the said City may find it necessary to have a right of entry and passage, for the purpose of conveying the said water into the said City, or if such owner should be absent, out of the State, or unknown, it shall be lawful, on application of the City, for any Justice of the Peace of the county in which said lands, earth or other property or materials as aforesaid are situate, to issue his warrant to the Sheriff, of said county, commanding him to summon from the said county a jury of twenty freeholders, inhabitants of said county, not related to the owner or persons interested, as aforesaid, in the said real estate, or other property, to meet on the premises which are to be valued, on some certain day to be named in said warrant, of which said warrant and the day therein named for the meeting of the jury, twenty days' notice shall be given previous to such day by the City to every owner or person interested, as aforesaid, or if any owner be an infant or lunatic, or *feme covert*, to his or her guardian or her husband, or in either case left at his or her place of abode, or if out of the State or unknown, such notice shall be published not less than eight weeks successively in some one or more of the daily newspapers of Baltimore City, and in some one or more of the newspapers of the county in which said property may be located, if any newspapers be published in such county.

Graff *v.* Mayor, 10 Md. 544. Kane *v.* Mayor, 15 Md. 240. Taylor *v.* Mayor, 45 Md. 576. Mayor, &c. *v.* Warren Mfg. Co., 59 Md. 96. Balto. City *v.* Merryman, 86 Md. 591. *Cf.*, Baltimore *v.* Ritchie, 51 Md. 233. Helfrich *v.* Catonsville W. Co., 74 Md. 269.

(E) SELECTION OF JURY.

P. L. L., (1860) Art. 4, sec. 931. P. L. L., (1888) Art. 4, sec. 919.

From the list of jurors so returned and attending, the person, the condemnation of whose property may be desired, may strike four, and the said City may strike four, so that the number of jurors be reduced to twelve, and in case either party shall neglect or refuse to strike off the names of jurors, then it shall be the duty of the Sheriff or his deputy, who shall attend as hereinbefore directed, to strike off jurors for the party so refusing or neglecting, so that the number of jurors be reduced to twelve as aforesaid.

Mode of striking jurors from list of those attending.

(F) DUTY OF JURY.

P. L. L. (1860) Art. 4, Sec. 932. P. L. L. (1888) Art. 4, Sec. 920.

The jurors so remaining shall inquire into, assess and ascertain the sum of money to be paid by the said City for land, spring, brook, water rights or other property which it may deem necessary to purchase and hold or use for the purpose aforesaid.

Jurors remaining to ascertain sum to be paid.

(G) OATH.

P. L. L. (1860) Art. 4, Sec. 933. P. L. L. (1888) Art. 4, Sec. 921.

Before the said jury act as such the said Sheriff or his deputy shall administer to each of them an oath that he will justly and impartially value the damages which the owners or parties holding an interest therein will sustain by the use and occupation of said property by the City.

To impartially value damages sustained.

(H) INQUISITION.

P. L. L. (1860) Art. 4, Sec. 934, P. L. L. (1888) Art. 4, Sec. 922.

The said jury shall reduce their inquisition to writing and shall sign and seal the same, and it shall then be returned by said Sheriff to the Clerk of the Circuit Court for said County, and be filed by such clerk in his office, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shown; and when confirmed shall be recorded by the said clerk at the expense of the city.

To reduce inquisition to writing and return same to Circuit Court.

(I) DUTY OF COURT.

P. L. L. (1860) Art. 4, Sec 935. 1876, Ch. 19. P. L. L. (1888) Art. 4, Sec. 923.

If not confirmed Court may order another inquisition.

Appeals.

If not confirmed, the said court may direct another inquisition in the manner above described. From any decision on matter of law made by said court on a hearing for confirmation, an appeal may be taken to the Court of Appeals; provided, that such appeal be taken within ten days after such decision shall be made, and the Court of Appeals may award costs to either party in its discretion.

Taylor v. Mayor, 45 Md. 576.

(J) PROPERTY CONDEMNED.

P. L. L. (1860) Art. 4, Sec. 936. P. L. L. (1888) Art. 4, Sec. 924.

Property taken to be described and interest to be stated.

When title vests in City.

The inquisition shall describe the property taken or the bounds of the land condemned, and the quantity or duration of the interest in the same, valued to the City; and such valuation, when paid or tendered to the owner of said property, or his legal representative, shall entitle the City to the use, estate and interest in the same thus valued, as fully as if it had been conveyed by the owner of the same; and the valuation, if not received when tendered, may at any time thereafter be received from the City, without interest, by the said owner or his legal representative.

Mayor, etc. v. Warren Mfg. Co., 59 Md. 96.

(K) SELECTION OF JURY.

P. L. L., (1860) Art. 4, sec. 937. P. L. L., (1888) Art. 4, sec. 925.

Talesmen; completion of jury.

If the twenty jurors summoned as aforesaid shall not appear at the time and place as aforesaid the Sheriff or his deputy, as the case may be, shall forthwith summon other freeholders of the county, from the bystanders or others qualified as aforesaid, to make up the said jury to the number of twelve.

(L) COMPENSATION OF JURORS AND SHERIFF.

P. L. L., (1860) Art. 4, sec. 938. P. L. L., (1888) Art. 4, sec. 926.

To receive compensation allowed jurors in Circuit Court.

The jurors so summoned and attending shall be allowed the same compensation as is allowed to the jurors in the Circuit Court for the County, and the sheriff shall be

allowed similar fees as are allowed by law for the summoning jurors to attend Circuit Court for the county, and also a per diem of two dollars for every day he or his deputy shall be in attendance upon an inquisition; and such expenses shall be paid by the City, except in cases of objection to the confirmation of inquisitions before the Circuit Court, when the costs in said Court may be awarded in the discretion of the Court.

Sheriff's fees.

(M) WATER STOCK.

1870, ch. 24. P. L. L., (1888) Art. 4, sec. 927.

For the purpose of defraying all the expenses and costs of lands, waters and water rights as have been taken for the purposes aforesaid, and of constructing all works necessary to the accomplishment of said purposes, and all expenses incident thereto, the said City shall have authority, in the name of the City, to issue certificates of debt, to be denominated on the face Baltimore Water Stock to an amount not exceeding five million dollars bearing interest not exceeding six per cent. per annum, and to provide by ordinance for the redemption of the same at a certain time, under such provisions as the City may deem expedient and proper. The said City is authorized and empowered to assess rates for the supply and use of water at any point in Baltimore City or County, and also to enforce payment for the use of water, and other expenses incurred in the introduction of water from the water mains, according to the rates established by the said City, said payments to be enforced by the same process that City or state taxes are collected, or that may be collected by process before a Justice of the Peace, or in any of the Courts of the City of Baltimore having jurisdiction in such cases. The said City is authorized and empowered to appoint watchmen or such police force as may be necessary for the protection of its water works in the City and County of Baltimore, and to impose fines and penalties for interference with or injury to the works or their appendages. To prevent the water from being obstructed or contaminated, and to prohibit all meddling or tampering with the

M. & C. C. of Balto. may issue Baltimore Water Stock to amount not exceeding \$5,000,000.

To assess water rates and enforce payment.

To protect water system and prevent pollution, or interference with works.

water works and their appurtenances; said fines and penalties shall be enforced and collected as other fines and penalties are enforced and collected by law.*

(N) WATER BONDS.

1886, ch. 121. P. L. L., (1888) Art. 4, sec. 928.

Bonds to amount of \$1,000,000 may be issued.

Proceeds to be used in introducing water from Gunpowder Falls.

To issue bonds or certificates of indebtedness to an amount not exceeding one million dollars, from time to time, as the same may be required, payable at such time and bearing such rate of interest not exceeding five per cent. per annum as the said City shall provide by ordinance, the proceeds of the said bonds or certificates of indebtedness to be applied to the purpose of constructing and completing Lake Clifton, as proposed to be constructed on the line of the work of the introduction of the water of the Gunpowder Falls to the City of Baltimore, and for the acquisition of the necessary land in Baltimore County, whereon to locate one or more reservoirs, and for the construction of said reservoir or reservoirs, and for obtaining such pumping machinery as may be necessary in connection therewith, and for procuring and laying of iron pipes or mains for the purpose of distributing said water to the inhabitants of said City; provided, however, that the said bonds or certificates of indebtedness shall not be issued until the ordinance which the City is authorized to enact for such issue shall be approved by a majority of the legal voters of Baltimore City, at the time and place to be appointed by said ordinance in the provisions for submitting the same to the legal voters of said City, as required by section 7 of Article XI of the Constitution of the State.

*NOTE.—In reference to the above mentioned water stock, *see case of Duke Bond v. Mayor, etc. of Baltimore*, pending in the Court of Appeals, October term, 1906.

See Code 1879, notes, pages 1156 & 1157.

NOTE: Approved by people October election, 1886.

(O) WATER SYSTEM IN ANNEX AND SUBURBS.

P. L. L., (1860) Art. 4, sec. 940. P. L. L., (1888) Art. 4, sec. 930.
1888, ch. 98, sec. 25.

Before the City shall lay any water pipes along any street, road, lane or avenue in the territory annexed to the City of Baltimore under the provisions of the Act of 1888, Chapter 98, upon which the Catonsville Water Company has laid its pipes and other water appliances, the said City shall, if said company desires to surrender said pipes and water appliances in such street, road, lane or avenue, to the City, pay to the said company the fair value of its water pipes and other water appliances constructed in said street, lane, road or avenue, and such actual damages to the said company as shall be caused by the acquisition of said pipes and appliances by the City; and the amount so to be paid, if the said company and the said City cannot agree in reference, thereto, shall be ascertained by a majority of a board of three arbitrators, one to be appointed by the City, and one by said company, and the two arbitrators thus appointed shall appoint the third arbitrator; and if they cannot agree upon such third arbitrator the latter shall be appointed by the Governor of the State; provided, whenever the Mayor and City Council of Baltimore shall extend its water mains for the purpose of supplying water therein into the territory of Baltimore County previously occupied by some other water company then supplying water to residents of such locality, said Mayor and City Council of Baltimore, before it shall supply water to users in said territory, shall purchase or condemn the water pipes and rights of said local water company. To purchase all the property, rights, estates and privileges of any chartered company authorized to introduce, or which may hereafter be authorized to introduce, water into said City, upon such terms as may be agreed upon by the City, and such corporation or corporations, in the manner prescribed in their respective charters, or in the absence of such provisions, as shall be agreed upon by the said City and such corporation or corporations; and such corporation is authorized to execute a conveyance to the City of all the franchises and property of said corporation; and all such

To acquire pipes and appliances of Catonsville Water Company as provided.

Proviso relating to extension of system in Baltimore County.

May acquire equipment of water companies with all their powers.

rights, privileges and franchises shall be vested in the Mayor and City Council of Baltimore, to be held, exercised and enjoyed by the said City as fully in every respect as might or could have been done by any such corporation or corporations under their respective charters.

Balto. City *v.* Balto. Co. Water & Electric Co., 95 Md. 242.

(31) WELFARE AND OTHER POWERS.

The corpora-
tion not re-
stricted to
foregoing or
other
enumerated
powers.

The foregoing or other enumeration of powers in this Article shall not be held to limit the power of the Mayor and City Council of Baltimore, in addition thereto to pass all ordinances not inconsistent with the provisions of this Article or the laws of the State as may be proper in executing any of the powers, either express or implied, enumerated in this section and elsewhere in this Article, as well as such ordinances as it may deem expedient in maintaining the peace, good government, health and welfare of the City of Baltimore; and it may provide for the enforcement of all such ordinances by such penalties and imprisonments as may be prescribed by ordinance; but no fine shall exceed five hundred dollars, nor imprisonment exceed twelve months for any offence.

Penalties
authorized.

Bostock *v.* Sams, 95 Md. 415. *Cf.*, Commrs. of Easton *v.* Covey, 74 Md. 262. Deems *v.* Mayor & C. C. of Balto., 80 Md. 164.

FRANCHISES.

Title of Mayor
& C. C. of Bal-
timore there-
to inalien-
able.

7. The title of the Mayor and City Council of Baltimore, in and to its water front, wharf property, land under water, public landings, wharves and docks, highways, avenues, streets, lanes, alleys and parks, is hereby declared to be inalienable.

Townsend, Grace & Co. *v.* Epstein, 93 Md. 537. Purnell *v.* McLane, 98 Md. 591. Brauer *v.* Refrigerating Co., 99 Md. 380. *Cf.*, Westminster Water Co. *v.* Westminster, 98 Md. 551.

1904, ch. 616. 1906, ch. 152.

Granting of
specific fran-
chises for a
limited time.

8. The Mayor and City Council of Baltimore may grant for a limited time and subject to the limitations and conditions contained in this Article, specific franchises or rights in or relating to any of the public property or places mentioned in the preceding section; provided that such grant

is in compliance with the requirements of this Article, and that the terms and conditions of the grant shall have first been authorized and set forth in an ordinance duly passed by the City. Every such grant shall specifically set forth, define the nature, extent and duration of the franchise or right thereby granted, and no franchise or right shall pass by implication under any such grant; and, notwithstanding any such grant the Mayor and City Council of Baltimore shall at all times have and retain the power and right to reasonably regulate in the public interest the exercise of the franchise or right so granted; and the said Mayor and City Council of Baltimore shall not have the power by grant or ordinance to divest itself of the right or power to so regulate the exercise of such franchise or right. But no franchise shall be granted for the erection on any of the streets, lanes, or alleys of the said city of any awning poles, posts, hitching posts, barber poles, railings, stepping stones, sign posts, horse troughs, clocks, stands of any character, or cellar doors or coal holes, unless the same be flush with the pavement; nor shall any franchise be granted for an open area, unless the same is used as a means of entrance to buildings used primarily for purposes of residence, and only in such case when the same does not extend more than three and one-half feet from the building line.*

Certain franchises not to be granted.

Townsend, Grace & Co. *v.* Epstein, 93 Md. 537. Purnell *v.* McLane, 98 Md. 589. Simon's Sons *v.* Md. Telephone Co., 99 Md. 141. Brauer *v.* Refrigerating Co., 99 Md. 380. Storck *v.* Baltimore City, 101 Md. 476.

TERMS AND CONDITIONS OF GRANTS AND FRANCHISES.

9. No franchise or right in relation to any highway, avenue, street, lane or alley, either on, above or below the

Franchises not to be given for longer period than 25 years.

*NOTE.—In relation generally to franchises granted by the municipality, *see*:

Baltimore *v.* Clunet, 24 Md., 469. N. Balto. Pass. R. R. Co. *v.* N. Ave. Ry. Co., 74 Md. 243. N. Balto. Pass. R. R. Co. *v.* Baltimore, 74 Md. 250. Bonaparte *v.* Lake Rol. Elv. R. R. Co., 75 Md. 340. Lake Rol. Elv. R. R. Co., *v.* Balto., 77 Md. 372-379. State *ex rel.* *v.* Latrobe, 81 Md. 222. Park Tax Case, 84 Md. 1. Hooper *v.* Balto City Pass Ry. Co., 85 Md. 509. Bear Creek Co. *v.* Baltimore City, 87 Md. 84. Baltimore City *v.* N. C. Ry. Co., 88 Md. 691. Ches. & Pot. Telephone Co. *v.* Baltimore City, 89 Md. 689. Mealey *v.* Mayor of Hagerstown, 92 Md. 752. Balto County Water Co. *v.* Baltimore, 95 Md. 242. Consolidated Gas Co. *v.* Schreiber, 99 Md. 403.

At its expiration plant or property may vest in City as provided or be renewed for like term on re-valuation.

City may operate plant if desired.

City may compel compliance with terms of grant.

surface of the same, shall be granted by the Mayor and City Council of Baltimore to any person or corporation for a longer period than twenty-five years, but such grant may, at the option of the City, provide for giving to the grantee the right, on fair re-valuation, including in such re-valuation the value derived from the said franchise or right, to renewals not exceeding in the aggregate twenty-five years. Such grant may provide that upon the termination of the said franchise or right granted by the City, the plant, as well as the property of the grantee situated in, above or under the highways, avenues, streets, lanes or alleys aforesaid, with its appurtenances, shall thereupon be and become the property of the City, without further or other compensation to the grantee; or such grant may provide that upon such determination, there shall be a fair valuation of the plant and property, which shall be and become the property of the City at its election, on paying the grantee said valuation. If, by virtue of the grant, the plant and property are to become the property of the City, without money payment therefor, the City shall have the option, either to take and operate the said property on its own account, or to renew the said grant for not exceeding twenty-five years on a re-valuation, or sell the same to the highest bidder at public sale. If the original grant shall prescribe that the Mayor and City Council of Baltimore shall at its election make payment for such plant and property, such payment shall be at a fair valuation of the same as property, excluding any value derived from the franchise or right and if the City shall make payment for such plant and property, it may, in that event, operate the plant and property on its own account for five years, after which it may determine either to continue such operation on its own account or to lease the said plant and property and the said franchise or right to use the highways, avenues, streets, lanes and alleys or other public property in connection therewith, for limited periods, under such rules and regulations as it may prescribe, or to sell the plant and property to the highest bidder at public sale. Every grant of any such franchise or right shall make provision, by way of forfeiture or otherwise, of the grant for the purpose

of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition, throughout the full term of the grant. The grant shall also specify the mode of determining the valuations and re-valuations which may be provided for therein.

Purnell v. McLane, 98 Md. 589. *Brauer v. Refrigerating Co.*, 99 Md. 380. *Consolidated Gas Co. v. Schreiber*, 99 Md. 403. *Cf.*, *Mealy v. Mayor of Hagerstown*, 92 Md. 741.

1900, ch. 109.

10. Before any grant of the franchises or right to use any highway, avenue, street, lane or alley, or other public property, either on, above or below the surface of the same shall be made, the proposed specific grant, except as provided in the proviso to section 37 of this Article, embodied in the form of a brief advertisement, prepared by the Board of Estimates, at the expense of the applicant, shall be published by the Comptroller for at least three days in one daily newspaper published in Baltimore City to be designated by the Board of Estimates, and all the provisions of section 37 of this Article shall be complied with.

Board of Estimates to publish brief advertisement of grant or franchise applied for.

Purnell v. McLane, 98 Md. 591. *Brauer v. Refrigerating Co.*, 99 Md. 380.

11. When the grant of a franchise or right is made in compliance with the foregoing sections, the Mayor and City Council of Baltimore shall not part with, but shall expressly reserve the right and duty, at all times, to exercise, in the interest of the public, full municipal superintendence, regulation and control, in respect to all matters connected with said grant and not inconsistent with the terms thereof.

Municipal control of grants to be reserved.

Purnell v. McLane, 98 Md. 591. *Brauer v. Refrigerating Co.*, 99 Md. 380. *Cf.*, *N. C. Ry. Co. v. Baltimore*, 21 Md. 104.

12. Sections 8, 9, 10 and 11 of this article shall apply to any renewal or extension of the grant or leasing of the property to the same grantee or to others.

Similar terms and conditions to apply to renewals.

UNUSED CITY PROPERTY.

City property not needed may be rented or disposed of at public sale.

13. Nothing contained in this Article shall prevent the Mayor and City Council of Baltimore from disposing of any building or parcel of land no longer needed for public use; *provided*, that such disposition shall be approved by the Finance Commissioners by their uniting in the conveyance thereof, and shall be made at public sale, and be provided for by ordinance; nor to the renting for fixed and limited terms of any of its property not needed for public purposes, on approval of the Commissioners of Finance.**

CONTRACTS WITH THE CITY.

Proposals must be advertised for where the work or purchase of supplies involves more than \$500.

14. Hereafter in contracting for any public work or the purchase of any supplies or materials involving an expenditure of five hundred dollars or more for the City, or by any of the City departments, sub-departments or municipal officers not embraced in a department, or special commissions or boards, unless otherwise provided for in this Article, proposals for the same shall be first advertised for, in two or more daily newspapers published in Baltimore City, for not less than ten nor more than twenty days, and the contract for doing said work of furnishing said supplies or materials, shall be awarded by the Board provided for in the next section of this Article, and in the mode and manner as therein prescribed.†

American Lighting Co. *v.* McCuen, 92 Md. 702. Packard *v.* Hayes, 94 Md. 233. Smith *v.* Hayes, 98 Md. 485. Building Supply Co. *v.* Baltimore City, 100 Md. 192. Flack *v.* M. & C. C. of Balto., Daily Record, July 6, 1906 (103 Md.)

**NOTE.—For decisions in relation to disposition of its lands and property by the municipality, *see*,

Rittenhouse *v.* Mayor, 25 Md. 336. Newbold *v.* Glenn, 67 Md. 489. Kilpatrick *v.* M. & C. C. of Balto., 81 Md. 195. Davidson *v.* Balto. City, 95 Md. 509.

†NOTE.—As to cases arising out of contracts with city prior to the enactment of the New City Charter, see the following:

Baltimore *v.* Eschbach, 18 Md. 276. Mayor, etc., *v.* Reynolds, 20 Md. 1. Mayor *v.* B. & O. R. R. Co., 21 Md. 52. Rittenhouse *v.* M. & C. C. of Balto., 25 Md. 336. Mayor *v.* Musgrave, 48 Md. 272. Mayor, &c. *v.* Weatherby, 52 Md. 442. Kelly *v.* Mayor, 53 Md. 134. Morgan *v.* M. & C. C. of Balto., 58 Md. 509. Baltimore *v.* Raymo, 68 Md. 569. Wilson *v.* Balto. City, 83 Md. 203. *See further.* Mealey *v.* M. & C. C. of Hagerstown, 92 Md. 741. *See also*, cases under Section 15, post.

BOARD OF AWARDS.

15. All bids made to the Mayor and City Council of Baltimore for supplies or Work for any purpose whatever, unless otherwise provided in this Article, shall be opened by a Board, or a majority of them, consisting of the Mayor, who shall be president of the same; the Comptroller, City Register, City Solicitor, and the President of the Second Branch, which Board, or majority of them, shall, after opening said bids, award the contract to the lowest responsible bidder. The successful bidder shall promptly execute a formal contract to be approved as to its form, terms and conditions by the City Solicitor, and he shall also execute and deliver to the Mayor a good and sufficient bond to be approved by the Mayor in double the amount of the contract price. To all such bids there shall be attached a certified check of the bidder and the bidder who has had the contract awarded to him, and who fails to promptly and properly execute the required contract and bond shall forfeit said check. The said check shall be taken and considered as liquidated damages, and not a penalty, for failure of said bidder to execute said contract and bond. Upon the execution of said contract and bond by the successful bidder, the said check shall be returned to him. The amount of said check shall be five hundred dollars, unless otherwise provided by ordinance, or an order or regulation of the department for whose use the bids are made and contract entered into. The checks of the unsuccessful bidders shall be returned to them after opening the bids and awarding the contract to the successful bidder.*

Bids to be opened by Board of Awards.

Successful bidder to execute contract.

Bids.

Certified check to accompany bid.

Conditions.

American Lighting Co. *v.* McCuen, 92 Md. 705. Packard *v.* Hayes, 94 Md. 233. Smith *v.* Hayes, 98 Md. 485. Callaway *v.* Baltimore, 99 Md. 315. Building Supply Co. *v.* Baltimore City, 100 Md. 192. Flack *v.* Mayor, etc., Baltimore, Daily Record, July 6, 1906 (103 Md.)

*NOTE.—As to decisions relating to bids and awards in cases arising prior to the enactment of the New City Charter, *see* :

Baltimore *v.* Eschbach, 18 Md. 276. Mayor *v.* Musgrave, 48 Md. 272. Kelly *v.* Mayor, 53 Md. 134. Baltimore *v.* Keyser, 72 Md. 110. Madison *v.* Harbor Board, 76 Md. 395. Wilson *v.* M. & C. C. of Baltimore, 83 Md. 203. Bear Creek Co. *v.* Baltimore, 87 Md. 84; *Cf.*, Mealey *v.* Hagerstown, 92 Md. 752.

MAYOR.

P. L. L., (1888) Art. 4, Sec. 7.

Inhabitants of
Baltimore to
elect Mayor
every four
years.

Election when
to be held,

Qualifications
of Mayor.

16. The inhabitants of the City of Baltimore qualified to vote for members of the House of Delegates shall, on the Tuesday next after the first Monday in May, eighteen hundred and ninety-nine, and on the same day and month in every fourth year thereafter, elect by ballot a person of known integrity, experience and sound judgment, over twenty-five years of age, a citizen of the United States, and five years a resident of said City next preceding the election, and assessed with property in said City to the amount of two thousand dollars, and who has paid taxes thereon for two years preceding his election, to be Mayor of the City of Baltimore; but the Mayor chosen at the first election under this section shall not enter upon the discharge of the duties of the office until the expiration of the term for which the present Mayor was elected; unless the said office of Mayor shall become vacant by death, resignation, removal from the State or other disqualification of the present Mayor.

Vanneman v. Pusey, 93 Md. 686.

Supplemen-
tary registra-
tion of voters
prior to every
municipal
election.

17. Prior to every municipal election, as provided for in this Article, there shall be, on the first and second Mondays of April, a supplementary registration of voters of Baltimore City, which registration shall be under the supervision of the Supervisors of Election, and conducted in conformity with the provisions of the law then in force relating to the registration of voters. On each day of said registration the registers shall revise the list of registered voters made at their last regular sitting, by adding the names of those persons who are entitled to registration at that time, and striking from said registration lists the names of those persons who have died or become disqualified since the said last sitting, and the registration lists used at the preceding November election, after being revised as herein directed, shall be used at the municipal election in May.

Vacancy-Pres-
ident Second
Branch to be
Mayor.

18. In case of vacancy in the office of Mayor by death, resignation or permanent disqualification, the President

of the Second Branch of the City Council shall be Mayor for the residue of the term for which said Mayor was elected.

19. In case of sickness or necessary absence of the Mayor, the President of the Second Branch of the City Council shall be *ex officio* Mayor of the City during the continuance of said sickness or necessary absence.

Same, upon absence or sickness of Mayor.

20. The term of Mayor shall commence on the Tuesday next after the third Monday of May succeeding his election, and continue for four years, and until his successor shall be elected and qualified, and he shall receive a salary of six thousand dollars per annum, payable monthly. He may appoint such persons to aid him in the discharge of his duties as may be prescribed by ordinance.

Term of Mayor.

1906, ch. 420.

20A. Hereafter, all checks of the Mayor and City Council of Baltimore shall be signed by the City Register and countersigned by either the Mayor or the City Comptroller and all bonds executed in favor of the Mayor and City Council of Baltimore shall be approved either by the Mayor or by the City Comptroller, and all contracts relative to the respective departments of the City Government, sub-departments, municipal officers not embraced in a department, special commissions or boards, shall be executed on behalf of the Mayor and City Council of Baltimore by either the Mayor or the respective heads of said departments, sub-departments, municipal officers not embraced in a department, special commissions or boards, or the chairman or President as the case may be, of said special commissions or boards.

Checks; by whom to be signed and countersigned.

Bonds and contracts; by whom to be executed on behalf of city.

P. L. L., (1860) Art. 4, Sec. 8. P. L. L., (1888) Art. 4, Sec. 11.

21. The Mayor, by virtue of his office, shall have all the jurisdiction and power, as a conservator of the peace, of a Justice of the Peace, and may call upon any officer of the City entrusted with the receipt or expenditure of public money, for a statement of his account as often as he may think necessary, and may at any time by expert accountants

His powers as chief executive.

and bookkeepers examine the books and accounts of any department, sub-department, municipal board, officer, assistant, clerk, subordinate or employe.

Mayor, &c. *v.* Dechert, 32 Md. 369.

P. L. L., (1860) Art. 4, Sec. 9. P. L. L., (1888) Art. 4, Sec. 12.

His duties.

22. The Mayor shall see that the ordinances and resolutions are duly and faithfully executed, and shall report to the City Council as soon as practicable after the first day of January in each year, the general state of the City, with an accurate account of the money received and expended, to be published for the information of the citizens. He shall have general supervision over all departments, sub-departments, municipal officers, not embraced in a department and special commissioners or boards.

Baltimore *v.* Radecke, 49 Md. 217. Cumberland *v.* Wilson, 50 Md. 138.

P. L. L., (1860) Art. 4, Secs. 10, 11. P. L. L., (1888) Art. 4, Secs. 13, 14.

Approval of
ordinances.

23. All ordinances or resolutions duly passed by the City Council, after being properly certified by the Presidents of the First and Second Branches of the City Council as having been so passed, shall be delivered by the Clerk of the Branch in which the same originated, to the Mayor for his approval, and there shall be noted on said ordinances or resolutions the date of said delivery; and, when approved by him, they shall become ordinances or resolutions of the Mayor and City Council of Baltimore. If the Mayor shall not approve of any ordinance or resolution so passed by the City Council he shall return the same with his objections in writing to the Branch in which the said ordinance or resolution originated, within five days of actual regular sittings of said Branch, excluding special sittings called by the Mayor, occurring after such delivery of said ordinance or resolution to him, which objections, upon receipt of the same by said Branch, shall be forthwith read to such Branch and entered at large on its Journal; and such Branch shall, after five days and within ten days after such ordinance or resolution shall have been returned to it by the Mayor, proceed to reconsider and vote upon the

Veto of ordinances passed by three-fourths vote after reconsideration by both branches to become law without Mayor's signature.

same. If such ordinance or resolution shall, after reconsideration, be again passed by three-fourths of all the members elected to said Branch it shall be forthwith sent, with the objections of the Mayor, to the other Branch, and after five days and within ten days, after it is so sent, it shall likewise be reconsidered and voted upon also by said other Branch, and if passed by a vote of three-fourths of all the members elected to said other Branch it shall be and become, to all intents and purposes, an ordinance or resolution of the Mayor and City Council of Baltimore. In such cases, after said reconsideration, the votes on the question of the passage of such ordinance or resolution over the veto of the Mayor shall be determined by yeas and nays, and the names of the persons voting for and against the passage of said ordinance or resolution over the veto of the Mayor shall be entered on the respective Journals of each Branch of the City Council. If any ordinance or resolution duly passed by the City Council shall not be returned by the Mayor to the Branch of the City Council in which the same originated within five days of its actual regular sittings, excluding special sittings called by the Mayor, after it shall have been delivered to him, the same shall become an ordinance or resolution of the Mayor and City Council of Baltimore in the same manner as if the Mayor had approved it, unless the City Council by an adjournment *sine die*, or for a period exceeding one month, shall prevent its return. In case an ordinance or resolution duly passed by the City Council shall embrace different items of appropriation the Mayor may approve the provisions thereof relating to one or more items of appropriation and disapprove the others, and in such case those he shall approve shall become effective and those which he shall not approve shall be reconsidered in manner and form as hereinbefore prescribed in this section, by both Branches of the City Council, and shall become effective if again passed over the veto of the Mayor by the vote as above prescribed for the passage over the veto of the Mayor of entire ordinances or resolutions. The mode and manner of procedure of both Branches of the City Council and of the Mayor in the matter of the veto of one or more distinct items of appro-

So, if not returned by Mayor as stated.

Rule where ordinance embraces different items of appropriation.

priation in any ordinance or resolution shall be the same as the mode and manner of procedure prescribed in this section for the passage of an entire ordinance or resolution over the veto of the Mayor.

*Baltimore City *v.* Gorter, 93 Md. 1. *See note to Hooper v. Creager*, 84 Md. 197. *Heiskell v. Mayor*, 65 Md. 149. *Also, Murdoch v. Strange*, 99 Md. 89.

Mayor to confer with heads of departments.

24. The Mayor shall summon all the heads of departments to a conference on municipal matters at least once in each fiscal year, and oftener, if he thinks the public interests will be promoted thereby, and every head of department shall report to him, orally or in writing, as he may prefer, once in every month.

P. L. L., (1860) Art. 4 Sec. 26. 1880, ch. 101. P. L. L., (1888) Art. 4, Sec. 31.

Mayor shall have sole power of appointment except as otherwise provided herein.

25. The Mayor shall have the sole power of appointment of all heads of departments, heads of sub-departments, municipal officers not embraced in a department and all special commissioners or boards, except as otherwise provided in this Article, subject to confirmation by a majority vote of all the members elected to the Second Branch of the City Council ; provided said Second Branch shall take action on such nomination within the first three regular succeeding sittings of said Branch after said nominations are sent to it by the Mayor. If the Branch fails to take such action within said time, then the person or persons so nominated shall be to all intents and purposes such officer or officers as if they had been confirmed by said Second Branch. If said Second Branch shall, by the required vote and in the prescribed time, refuse to confirm such nominations, the Mayor shall, within the next three regular succeeding sittings of said Branch, send to it other name or names for such office or offices, and the duties of said Second Branch and the Mayor shall continue to be as above prescribed until a confirmation is had or a failure to act for three regular succeeding sittings by the said Second Branch occurs. The Mayor shall have the power to remove at pleasure, during the first six months of their respective terms, the heads of all departments or members thereof, heads of sub-departments or members thereof, municipal officers not embraced in a department

Subject to confirmation by Second Branch.

Power of removal. Restrictions thereto.

and special commissions or boards, or members thereof, appointed by him, but after six months the Mayor shall only remove said officials for cause, after charges preferred against them, notice given and trial had before the Mayor.

Terms of office:
when to be
appointed
and to enter
offices.

The terms of all municipal officials appointed by the Mayor shall be four years, unless otherwise provided for in this Article. All municipal officials who are appointed by the Mayor shall be appointed in the month of September succeeding his election, and enter into their respective offices on the first Monday in October, immediately following their respective appointments, or as soon thereafter as their appointments have been confirmed, as above provided, if appointed or confirmed subsequent thereto; but the Mayor first chosen under this Article shall appoint said officials in the month of February succeeding his election, subject to confirmation by the Second Branch of the City Council, and they shall enter upon their duties on the succeeding first of March, and shall hold office until their successors under the provisions of this Article, are appointed and qualified unless sooner removed under the provisions of this Article. All municipal officials, boards and commissioners in office under the Mayor and City Council of Baltimore, upon the date of the passage of this Article, unless otherwise provided in this Article, shall hold their respective offices under existing laws and ordinances, the same as if this Article had not been passed, until their successors are appointed, as provided in this section, in February nineteen hundred ; they shall be subject to removal, as provided in said laws and ordinances, and all vacancies occurring in said offices shall be filled as now provided for in said existing laws and ordinances; said municipal officials, boards and commissioners shall perform the duties respectively now prescribed by existing laws and ordinances which are not inconsistent with the provisions of this Article, and they shall also perform such additional duties as may be required to be performed by such officers in this Article. The Mayor first elected under the provisions of this Article, shall organize the municipal government of Baltimore City, as provided for in said Article, and appoint the heads of departments, sub-departments, municipal

Incumbents at
time of this
enactment.

Oath of office;
test book.

Vacancies dur-
ing recess.
How filled.

officers, boards and commissions provided for therein, in the month of February, nineteen hundred. All persons appointed by the Mayor, as well as those municipal officials elected by the people or by the joint convention of the City Council, shall, before entering upon the discharge of their respective duties, qualify by taking before the Mayor an oath to faithfully perform the duties of their respective offices, and that they will support the Laws and Constitutions of the United States and of the State of Maryland. A test book shall be kept by the Mayor, which shall be signed at the time of taking the oath aforesaid by said officials, and after the qualifications aforesaid, the Mayor shall issue to the said officials a commission signed by himself with the corporate seal attached. All vacancies occurring in any of the offices which the Mayor is empowered to fill, during the recess of the Second Branch, unless otherwise provided in this Article, shall be filled by the Mayor until the next regular meeting of the Second Branch, at which meeting the Mayor shall present the name of a person for confirmation to fill said vacancy, and the mode and manner of procedure in such a case shall be the same as provided for in this section for other appointments by the Mayor and confirmation by the Second Branch.**

**On construction of section 25, *see* *Robinson v. Baltimore City*, 93 Md. 212; *McClellan v. Marine*, 98 Md. 54; *Baltimore City v. Lyman*, 92 Md. 591.

As to oath of office and its legal significance, *see* *Thomas v. Owens*, 4 Md. 189; *Harwood v. Marshall*, 9 Md. 83; *Jump v. Spence*, 28 Md. 1; *Archer v. State*, 74 Md. 447; *Creager v. Hooper*, 83 Md. 501; *Davidson v. Brice*, 91 Md. 691.

As to term of and title to office, *see* *Thomas v. Owens*, 4 Md. 189, 15 Md. 465; *Jump v. Spence*, 28 Md. 1; *Robb v. Carter*, 65 Md. 334; *Archer v. State*, 74 Md. 453; *County Commissioners v. School Comms.*, 77 Md. 283; *Miles v. Stevenson*, 80 Md. 366; *Creager v. Hooper*, 83 Md. 490; *Ash v. McVey*, 85 Md. 130; *Wells v. Monroe*, 86 Md. 445; *Duer v. Daniell*, 91 Md. 660; *Keyser v. Upshur*, 92 Md. 778; *Hagerstown v. Williams*, 96 Md. 237.

As to power of appointment and removal, *see* *Townsend v. Kurtz*, 83 Md. 340; *Hooper v. Creager*, 84 Md. 241; *Hooper v. New*, 85 Md. 565; *Hooper v. Farnen*, 85 Md. 587; *Field v. Malster*, 88 Md. 691; *School Comms. v. Goldsborough*, 90 Md. 193; *Street Comms. v. Williams*, 96 Md. 237.

1880, ch. 101. P. L. L., (1888) Art. 4, Sec. 31.

26. No person shall at any time hold more than one office yielding pecuniary compensation under the Mayor and City Council of Baltimore. All municipal officials, except females, shall be registered voters of the City of Baltimore.

Only one office under City to be held; municipal officials to be voters of the city.

Baltimore City *v.* Lyman, 92 Md. 591.

27. All heads of departments, heads of sub-departments, municipal officers not embraced in a department, or special commissions or boards, provided for in this Article, shall hold their offices until their successors are appointed or elected and qualified.

Tenure of office of heads of departments, etc.

28. The heads of departments, heads of sub-departments, municipal officers not embraced in a department, and all special commissions or boards shall have the sole power of appointment and removal at pleasure of all deputies, assistants, clerks and subordinate employees employed by them, unless otherwise provided in this Article.

Power to appoint subordinates.

Baltimore City *v.* Lyman, 92 Md. 611; American Lighting Co. *v.* McCuen, 92 Md. 705. As to appointment of subordinates prior to new charter, *see* Hooper *v.* New, 85 Md. 565.

29. All heads of departments, shall have the privilege of the floor in the First Branch of the City Council at its sittings, and shall be entitled to participate in the discussion of matters relating to their respective departments, but shall have no vote. When the head of a department is a Board, or composed of more than one person, the President thereof shall be entitled to the privilege provided for in this section.

Privileges of Heads of Departments, etc.

30. The Mayor, in appointing all heads of departments, sub-departments, boards and commissions or members of any such, composed of more than one person, shall appoint a minority of the members of each of such bodies of persons from a different political party from those forming the majority of said departments, sub-departments, boards and commissions or members of any such, and in ascertaining the political party from which such minority representatives shall be taken, he shall select from that party which cast the next highest vote at the preceding election.

Minority of members of bodies forming heads of departments to be of political party casting next highest vote.

EXECUTIVE DEPARTMENT.

31. The executive power of the Mayor and City Council of Baltimore shall be vested in the Mayor, the departments, sub-departments, municipal officers not embraced in a department herein provided for, and such special commissioners or boards as may hereafter be provided for by laws, or ordinances not inconsistent with this Article. All municipal officials, unless otherwise provided for by laws or ordinances, shall give bond to the City for the faithful discharge of their duties, to be approved by the Mayor, and in such penalties as may be prescribed by laws or ordinances. The Mayor shall be the chief executive officer of the City, and in addition to the following administrative departments, sub-departments, and municipal officers not embraced in a department, there shall be such assistants, clerks and employees to said departments, sub-departments and municipal officers as may be prescribed by ordinances not inconsistent with this Article not herein otherwise provided for. The several heads of departments, heads of sub-departments, municipal officers not embraced in a department, and special commissions or boards, shall have the power to pass such rules and regulations, not inconsistent with the laws or ordinances, for the government of their respective departments as they may deem right and proper. All heads of departments composed of Boards shall hold at least one meeting every month for the purpose of consultation and advice, and in order to become familiar with the business and the mode of conducting the same, of the sub-departments of their respective departments. A record of all the proceedings and official acts of heads of departments and sub-departments, municipal officials and commissioners shall be kept in a well-bound book, and a certified copy of said record or any part thereof under the corporate seal of the City shall be admissible in evidence in any Court of this State as proof of such record or part thereof. **

Executive power, wherein vested.

Officials to bond.

Mayor chief executive.

Heads of Departments may pass rules and regulations.

To hold meetings.

Records to be kept of their proceedings.

**NOTE:—As to bonds of municipal officials, *see* *Hecht v. Coale*, 93 Md. 692. *Vansant v. State*, 96 Md. 110. *Murdoch v. Strange*, 99 Md. 89.

As to breach, penalty and damages recoverable generally in relation to bonds, *see* *Mutual Life Insurance Company v. Hantske*, *Daily Record*, December 15, 1900.

The said executive departments shall be as follows :

- | | |
|---|--|
| (I) <i>Department of Finance,</i> | |
| With the following Sub-Departments ; | I. Depart-
ment of Fi-
nance. |
| 1. Comptroller. | |
| 2. City Register. | |
| 3. Board of Estimates. | |
| 4. Commissioners of Finance. | |
| 5. City Collector. | |
| 6. Collector of Water Rents and Licenses. | |
| (II) <i>Department of Law,</i> | |
| Composed of | II. Depart-
ment of Law. |
| City Solicitor. | |
| (III) <i>Department of Public Safety,</i> | |
| With the following Sub-Departments : | III. Depart-
ment of
Safety. |
| 1. Board of Fire Commissioners. | |
| 2. Commissioner of Health. | |
| 3. Inspector of Buildings. | |
| 4. Commissioner of Street Cleaning. | |
| (IV) <i>Department of Public Improvements.</i> | |
| With the following Sub-Departments : | IV. Of Public
Improve-
ments. |
| 1. City Engineer. | |
| 2. Water Board. | |
| 3. Harbor Board. | |
| 4. Inspector of Buildings. | |
| (V) <i>Department of Parks and Squares.</i> | |
| Composed of | V. Of Parks
and Squares. |
| Board of Park Commissioners. | |
| (VI) <i>Department of Education,</i> | |
| Composed of | VI. Of Educa-
tion. |
| Board of School Commissioners. | |
| (VII) <i>Department of Charities and Corrections,</i> | |
| With the following Sub-Departments : | VII. Of Chari-
ties and Cor-
rections. |
| 1. Supervisors of City Charities. | |
| 2. Visitors to the Jail. | |

VIII. Of Re- (VIII) *Department of Review and Assessment,*
view and
Assessment. With the following sub-departments ;

1. Appeal Tax Court.
2. Commissioners for Opening Streets.

IX. Muni- (IX) *Division Embracing Municipal Officers, not In-*
cipal Officers
not included
in any de-
partment. *cluded in any Department :*

1. City Librarian.
2. Art Commission.
3. Superintendent of Lamps and Lighting.
4. Surveyor.
5. Constables.
6. Superintendent of Public Buildings.
7. Public Printer.

Baltimore City v. Lyman, 92 Md. 600.

DEPARTMENT OF FINANCE.

Of what offi- **32.** There shall be a Department of Finance of the
cials to con- Mayor and City Council of Baltimore which shall consist
sist. of the Comptroller, City Register, Board of Estimates,
Commissioners of Finance, City Collector and Collector of
Water Rents and Licenses. The head of said Department
Its head. shall consist of a Board of Finance composed of the Comp-
troller, City Register, President of the Board of Estimates,
President of the Commissioners of Finance, City Collector
and Collector of Water Rents and Licenses. This Board
Powers of shall be for consultation and advice, and it shall have no
Board. power to direct or control the duties or the work of any
sub-department. It shall perform such other duties as
may be prescribed by ordinances not inconsistent with this
Article. The Comptroller shall be the President of said
Fiscal Year. Board. The fiscal year of the Mayor and City Council of
Baltimore shall begin on the first day of January and end
on the thirty-first day of December in every year.

1906, ch. 459.

Comptroller; **33.** The Comptroller shall be elected by the inhabi-
qualifica-
tions; term;
salary. tants of the City of Baltimore qualified to vote for Mayor
on the Tuesday next after the first Monday in May, in the
year eighteen hundred and ninety-nine, and on the same
day and month in every fourth year thereafter. He shall

be a person possessing the same qualifications as herein prescribed for Mayor. The term of the Comptroller shall commence on the Tuesday next after the third Monday in May in the year eighteen hundred and ninety-nine, and continue for four years, and until his successor is elected and qualified, and he shall receive a salary of four thousand dollars per annum, payable monthly.

Baltimore City *v.* Lyman, 92 Md. 610.

34. The Comptroller shall be the head of the first sub-department of Finance, and he shall appoint a Deputy Subordinates in Comptroller's Sub-department. Comptroller and such clerks as may be provided for by ordinance, including one to be known as the Audit Clerk, and another for the collection of harbor and wharf rents, to be known as Harbor Master, with such assistants to him as may be provided for by ordinance, and another for the collection of fees for the inspection of weights and measures, to be known as the Inspector of Weights and Measures, with such assistants to him as may be provided for by ordinance, and another to be known as Market Master, with such assistants to him as may be provided by ordinance. The salary of such Deputy, assistants and clerks shall be fixed by ordinances. All of such appointees shall be subject to the written approval of the Mayor. The Comptroller shall have general supervision over the financial matters of the City, and shall have oversight of all sub-departments in this department. No claim, account or demand against the City of any kind whatsoever shall be paid unless first audited and approved by the Comptroller. All moneys collected for the use of the City by any municipal official, unless otherwise provided in this Article, shall be turned over to the Comptroller and by him deposited with the City Register. He shall perform such other duties as may be prescribed by ordinances, not Duties of Comptroller. inconsistent with this Article. In case of temporary absence or disqualification of the Comptroller, or a vacancy occurring in said office from any cause, the Deputy Comptroller shall, during such absence or disqualification or vacancy from any cause, act as Comptroller. The Second Branch of the City Council by a majority vote of all the Vacancy in office of.

When and by
whom re-
movable.

members elected to said Branch, may remove the Comptroller from office for incompetency, wilful neglect of duty or misdemeanor in office, upon charges preferred by the Mayor, and after notice of such charges is given to the Comptroller and an opportunity afforded him to be heard by said Branch.

City Register;
how appoint-
ed; salary;
removable by
both
Branches.

35. The City Register shall be the head of the second sub-department of Finance, and he shall be the register of the public debt, and also the custodian of all moneys belonging to the Mayor and City Council of Baltimore. He shall be appointed by a joint convention of the two Branches of the City Council on the Tuesday next after the fourth Monday of May, in the year eighteen hundred and ninety-nine, and on the same day and month in every fourth year thereafter. His salary shall be three thousand and three hundred dollars per annum payable monthly, in addition to three hundred dollars for services rendered the State, as provided for in section 108 of Article 81, Code of Public General Laws. He shall be removable at the pleasure of the convention of the said two Branches. The City Register shall take under his charge and keeping the corporate seal of the City, and use it in all cases which are now or may be hereafter required by Federal or State laws, ordinances, or the uses and customs of nations, and shall charge a fee of two dollars for each impression of the seal except such as shall be affixed to or impressed upon documents for the Mayor and City Council or used in connection with the affairs of the City. He shall pay to the Comptroller, for the use of the Mayor and City Council of Baltimore, all fees so received by him. He shall have power to appoint a Deputy Register, with a salary of eighteen hundred dollars per annum, payable monthly, and such other clerical assistants as may be prescribed by ordinance not inconsistent with this Article. In case of a vacancy occurring in the office of City Register by removal or otherwise, the joint convention of the two Branches of the City Council shall forthwith fill said vacancy. He shall perform such other duties as may be prescribed by ordinance not inconsistent with this Article; provided, the present incumbent

Seal of City.

Deputy Register.

Vacancies.

of the office of the City Register shall hold his office until the expiration of his term, as now provided under existing laws and ordinances, and should a vacancy occur in said office, a successor shall be appointed by a joint convention of the City Council for the balance of said term. Proviso.

State v. Mayor, etc., 52 Md. 398. Robb v. Carter, 65 Md. 321.

*Baltimore City v. Lyman, 92, Md. 610.

Board of Estimates.

ORDINANCE OF ESTIMATES.

1904, ch. 677.

36. The Board of Estimates shall be the head of the third Sub-Department of Finance, and shall consist of the Mayor, City Solicitor, Comptroller, President of the Second Branch City Council and President of the Board of Public Improvements. The first meeting of said Board in every year shall be called by notice from the Mayor or President of the Second Branch City Council personally served upon members of the said Board. Subsequent meetings shall be called as the said Board may direct. The President of the Second Branch shall be President of said Board, and one of the number shall act as secretary, and said Board may employ such clerks as may be necessary to discharge its duties; their number and compensation shall be fixed by ordinance. The said Board shall have power at any time to summon before it the heads of the departments and sub-departments and all municipal officers and special commissions or boards. The said Board shall annually, between the first day of October and the first day of November, meet, and by an affirmative vote of a majority of all the members' make out the following three lists of moneys to be appropriated by the City Council for the next ensuing fiscal year:

Board of Estimates to be head of third sub-department of finance.

Board to make out lists of moneys to be appropriated.

FIRST, a list to be known as the "DEPARTMENTAL ESTIMATES" of the amounts estimated to be required to pay the expenses of conducting the public business for the next ensuing fiscal year, including the expenditures for the City Council for the salaries of its members, officers, and expenses; said list shall be prepared in such detail as to

Departmental Estimates.

Amounts
needed for
the City De-
partments.

the aggregate sum and the items thereof allowed to the two Branches of the City Council, each department, sub-department, municipal officers not embraced in a department and special commissioners and boards as the said Board shall deem advisable. In order to enable said Board to make such list, the Presidents of the two Branches of the City Council, the heads of the Departments, heads of sub-departments, municipal officers not embraced in a department, and special commissioners or boards shall, at least thirty days before the said list is hereby required to be made, send to the said Board in writing, estimates of the amounts needed for the conduct, respectively, of the City Council, departments, sub-departments, municipal officers not embraced in a department, commissioners or boards for the next ensuing fiscal year. Such estimates shall be verified by the oath or affirmation of persons making them, and a wilfully false statement made in a material matter contained in said estimates so made to said Board shall be perjury. The said estimates shall specify, in detail, the objects thereof, and the items required for the expenses of the City Council and the respective departments, sub-departments, municipal officers not embraced in a department and special commissioners or boards, as aforesaid, including a statement of each of the salaries of the members of the City Council and its officers and clerks, and the salaries of the deputies, assistants, clerks, employees and subordinates in each department, sub-department, municipal office or special commission or board.

Estimates
for new im-
provements.

SECOND, a list containing all amounts to be appropriated by the City Council for NEW IMPROVEMENTS to be constructed by any department of the city during the next ensuing fiscal year; said list to be known as the "ESTIMATES FOR NEW IMPROVEMENTS." Heads of department, heads of sub-departments, municipal officers not embraced in a department, and special commissioners or boards shall in writing, thirty days before the time required to make such list by said Board, file with said Board their recommendations as to the amounts which they may consider will be needed in their respective departments for new improvements during the next ensuing fiscal year.

THIRD, a list containing all amounts which by previous laws, ordinances or contracts are required to be ANNUALLY APPROPRIATED to charities, educational, benevolent or reformatory institutions by the city, as well as all other sums, if any, which may be required by laws or ordinances to be appropriated for other purposes not embraced in the preceding lists. This list shall be known as the "ESTIMATES FOR ANNUAL APPROPRIATIONS." The purpose and object of this provision is that said three lists shall embrace all moneys to be expended for the next ensuing fiscal year for all purposes by the city. After said three lists have been prepared, the Board of Estimates, shall cause to be prepared a draft of an ordinance to be submitted to the City Council providing appropriations sufficient to meet the amounts called for by said three lists, and the said Board shall cause a copy of said proposed ordinance, certified by the signatures of a majority of them, to be forthwith published in two daily newspapers in Baltimore City, for two successive days, and shall, immediately after said publication, transmit a copy of the draft of the said proposed ordinance to the President of each Branch of the City Council, whereupon a special meeting of the City Council shall be forthwith called by the Mayor to consider such proposed ordinance. It shall be the duty of the two Branches of the City Council, when so assembled, to consider and investigate the estimates contained in said proposed ordinance, and to hold daily sessions for its consideration until said ordinance is passed. The two Branches of the City Council, by a majority vote of all the members elected to each Branch, may reduce the said amounts fixed by the said Board in said proposed ordinance, except such items thereof as are now or may hereafter be fixed by law, and except such items as may be inserted by said Board to pay State taxes, and to pay the interest and principal of the municipal debt. The City Council shall not have the power to increase the amounts fixed by the Board nor insert new items in the proposed ordinance. When said proposed ordinance, embracing said estimates, shall have been duly passed by both Branches of the City Council and approved by the Mayor, it shall be known as

Amounts to be annually appropriated to charities, etc. fixed by ordinances.

Board of Estimates to draft an ordinance appropriating monies to meet estimates so made.

To be known as Annual Ordinance of Estimates.

Powers of City Council.

the "Ordinance of Estimates for the year.....," and said several sums shall be and become appropriated, after the beginning of the next ensuing fiscal year, for the several purposes therein named, to be used by the City Council, departments, sub-departments, municipal officers not embraced in a department, and special commission or boards therein named, and for no other purposes or uses

Council cannot
enlarge any
item therein.

whatever. The City Council shall not have the power, by any other or subsequent ordinance or resolution, to enlarge any item contained in said ordinance after the same is duly

Nor appropri-
ate further
monies for
ensuing Fis-
cal Year.

passed, nor shall the City Council, by any subsequent ordinance or otherwise, appropriate any sums of money to be used for the next ensuing fiscal year, for any of the purposes embraced in said Ordinance of Estimates. No

No temporary
loan shall be
authorized.

appropriation provided for in said ordinance shall be diverted or used under any circumstances for any purpose than that named in said ordinance, nor shall the Comptroller draw any warrant for any of the items in said Ordinance of Estimates unless he has received said amounts and they are actually to the credit of the City Council and such department, sub-department, officers, commissioners or boards. No temporary loan shall be authorized or made to pay any deficiency arising from a failure to realize sufficient income from revenue and taxation to meet the amounts provided in said Ordinance of Estimates but the City Council may temporarily borrow money for its use in anticipation of the receipts of taxes levied for any year. In case of any such deficiency there shall be a pro rata abatement of all appropriations, except those for the payment of State taxes and the principal and interest of the City debt, and such amounts as are fixed by law and contained in said ordinance ; and in case of any surplus arising in any fiscal year by reason of an excess of income received from the estimated revenue over the expenditures for such year, the said surplus shall become a part of the annual revenue of the city, and shall be available for the general expenditures of the city for the next ensuing fiscal year. Until the organization of the said Board of Estimates by the Mayor first elected under the provisions of this Article, as provided in section 25 of said Article, the Mayor, Comp-

troller, City Register and City Solicitor shall compose a Board to perform all the duties required of the Board of Estimates by the provisions of this Article.

Baltimore City *v.* Gorter, 93 Md. 1. Skinner Dry Dock Co. *v.* Baltimore, 96 Md. 37. Callaway *v.* Baltimore City, 99 Md. 315. Brauer *v.* Refrigerating Co., 99 Md. 369.

1906 ch. 459. *

36A. The Board of Estimates shall have the power to increase or decrease the salaries of all municipal officials, and other persons whose salaries are named in this Article or Acts relating to the City of Baltimore, except the salaries of the members of the Board of Estimates, provided the amount of such increase or decrease shall be inserted as an item or items in the ordinance of estimates for any year and be subject to the same control by the City Council as it now has under this Article of the general items inserted in said ordinance. *Provided*, however, that, when the salary of any municipal official, or other person, whose salary is so named shall be so increased or decreased it shall not again be so increased or decreased during the term of office of said municipal official or other person.

Board of Estimates may increase or decrease salaries of municipal officials.

GRANTS OF FRANCHISES.

P. L. L., (1898) Art. 4, Sec. 37. 1900, ch. 109. 1906, ch. 357.

37. Before any grant shall be made by the Mayor and City Council of Baltimore, of the franchise or right to use any street, avenue, alley or highway, or the grant of the franchise or right for the use of any public property mentioned in Section 7 of this Article, the proposed specific grant, with the exceptions hereafter in this Section made, shall be embodied in the form of an ordinance, with all the terms and conditions required by the provisions of this Article, and such others as may be right and proper, including a provision as to the rates, fares and charges, if the grant provides for the charging of rates, fares and charges, and a provision that the franchise or right shall be executed and enjoyed six months after the grant. The said ordinance shall, after having been introduced in either Branch of the City Council, and after the first reading, be

Franchises to be embodied in form of an ordinance.

What ordinance shall contain.

<p>Duties of Board in respect to Franchises.</p>	referred forthwith by the Branch in which the same is offered to the Board of Estimates. The said Board shall make diligent inquiry as to the money value of said franchise or right proposed to be granted, and the adequacy of the proposed compensation to be paid therefor to the City as offered in the ordinance already introduced, and the propriety of the terms and conditions of said ordinance, and
<p>Powers of Board in relation thereto.</p>	said Board is empowered to increase the compensation to be paid therefor to the City, and alter the terms and conditions of said ordinance, provided such alterations are not inconsistent with the requirements and provisions of this Article, and it shall be the duty of said Board to fix in said ordinance the said compensation at the largest amount it may be able by advertisement or otherwise to obtain for said franchise or right, and no grant thereof by the City Council shall be made except for the compensation and on the terms approved by a vote or resolution of the said Board, entered on the minutes or records of such Board and attached to said ordinance, with the signatures of a majority of said Board signed to the same. The provisions of this section shall apply to the renewal or extension of any franchise or right relating to the use of any of the public property mentioned in section 7 of this Article now existing, or which may hereafter be granted to any person or body corporate. Provided, that the right to use the streets, avenues, alleys or public property, by any person or body corporate for steps, porticoes, bay windows, bow windows, show windows, signs, columns, piers or other projections or structural ornaments of any character except so far as the same may be prohibited by law, and covered vaults, covered areaways, drains, drain-pipes, or any other private purpose not prohibited by laws and not being a franchise or right requiring a formal grant by ordinance under the terms of this section, may be granted by the Board of Estimates for such an amount of money and upon such terms as the said Board may consider right and proper.
<p>Same provisions to apply to renewals and extensions.</p>	Before said Board shall grant any such right the person or body corporate seeking the same shall file before said Board in writing an application for such use and in said application the use desired shall be stated and what the
<p>Board may grant certain minor privileges in the streets, etc., in its discretion as provided.</p>	
<p>Requirements of Board in relation to such minor privileges.</p>	

applicant is willing to pay for the same must be given and such person or body corporate shall only enjoy such use on the payment of the amount of money named by said Board and on the terms and conditions said Board shall prescribe in writing, and no ordinance or advertisement shall be necessary or made in such cases as are named in the proviso of this section. *Provided*, however, that copies of said application be served upon the adjoining property owners by said applicant before filing application before said Board.**

Baltimore City *v.* Gorter, 93 Md. 12. Purnell *v.* McLane, 98 Md. 591-595. Brauer *v.* Refrigerating Co., 99 Md. 367.

38. There shall be included annually in the ordinance of estimates the sum of fifty thousand dollars to be used as a contingent fund by the Board of Estimates, in case of an emergency or necessity for the expenditure of money above the appropriations regularly passed for any department, sub-department, municipal officer not embraced in a department, or special commission or board, in the interval between the annual appropriations as herein provided for. As soon as practicable after the expenditure of any part of said contingent fund, the said Board shall report to the City Council all the circumstances attending said expenditure, and the necessity for the same, and the reasons assigned by the department, sub-department, municipal officer not embraced in a department, or special commission or board, applying for and receiving the same. The City Council shall not have the power to increase or decrease, or strike out, said amount from the said ordinance of estimates.

Contingent
Fund.

Expenditure
therefrom to
be reported.

Power of City
Council.

Baltimore City *v.* Gorter, 93 Md. 12.

39. The Mayor and City Council of Baltimore shall appropriate no money out of the Treasury of the City for the payment of any private claim against the City, unless

Private Claims
against City.

**NOTE. See, section 8, as re-enacted by Act 1906, ch. 152, ante, P. 94. In connection with the provisions of Section 37, of the Charter, see, Simons' Sons *v.* Maryland Tel. & Telegraph Co., 99 Md. 173.

such claim shall have first been presented to the Board of Estimates, together with the proofs upon which the same is founded, and reported favorably by said Board.

Baltimore City *v.* Gorter, 93 Md. 12.

TAX RATE AND ANNUAL LEVY.

Report showing taxable basis for ensuing year to be submitted to City Council.

What it shall contain.

Ordinance making annual levy of taxes.

Tax Rate.

40. The Board of Estimates shall, on the first day of October, or as soon thereafter as practicable, in the year eighteen hundred and ninety-eight and in each succeeding year, procure from the proper municipal department and shall send, with the said ordinance of estimates, to both Branches of the City Council, a report showing the taxable basis for the next ensuing fiscal year, and the amount which can reasonably be expected to be realized by taxation for said year. The report shall contain an aggregate statement of all the moneys to be expended during the next ensuing fiscal year by the City, as set forth in said ordinance of estimates, as well as of any other sums, if such there be, which the City may be required to expend during the said year for any purpose or purposes not included in the ordinance of estimates, and it shall also state the total income which can reasonably be expected to be received by the City for the next ensuing fiscal year from licenses, fees, rents and all other charges, including the amount believed to be collectible from taxes in arrears. The report shall show the difference between such anticipated expenditures and receipts of the City, and shall state a rate for the levy of taxes sufficient to realize the amount required to meet the said difference. In the ordinance making the annual levy of taxes, which ordinance shall be passed by the Mayor and City Council of Baltimore in the month of November in each year, and as soon as practicable after the passage of the ordinance of estimates, the Mayor and City Council of Baltimore shall fix a rate of taxation not less than the rate stated in the aforesaid report ; so that it shall not be necessary at any time for the City, its officers or agents, to create a floating debt to meet any deficiency, and it shall not be lawful for the City, its officers or agents, to create a floating debt for

any such purpose. The taxes levied under said ordinance in the month of November in each year shall be the taxes to be collected for the fiscal year next ensuing after the said month of November, and may be paid to the City Collector on or after the first day of January next ensuing said levy. The taxes included in said levy on real estate or chattels real shall be in arrears on the first day of July next ensuing the date of their levy, and the taxes included in said levy on all forms of personal property shall be in arrears on the first day of May next ensuing the date of their levy, and the taxes on both forms of said property after they become in arrears as aforesaid shall bear interest at the rate of six per centum per annum.

Annual levy of Taxes. When payable.

When in arrears, interest payable.

*Baltimore City *v.* Gorter, 93 Md. 1. *Skinner, etc. Dry Dock Co. *v.* Baltimore City, 96 Md. 37. Baltimore City *v.* Poole, 97 Md. 71.

COMMISSIONERS OF FINANCE.

41. The Commissioners of Finance shall be the head of the fourth sub-department of Finance, and shall be a Board composed of the Mayor, Comptroller, Register and two persons appointed by the Mayor in the mode prescribed in section 25 of this Article, and who shall hold their offices as therein provided. Both of said two last-named persons shall serve without pay. The Mayor and Register shall sign all obligations of the City and all City stock. One of the persons appointed by the Mayor as aforesaid, and so designated, shall be President of said Board. The Deputy Register shall act as clerk to said Board and keep the accounts and a record of proceedings of said Board, and for which service, in addition to the salary of said deputy Register herein provided, he shall be paid a salary of five hundred dollars per annum, payable monthly. This Board shall select the depository banks for City funds. It shall authorize all temporary loans to be made not inconsistent with this Article. It shall have charge, control and custody of all sinking funds of the Mayor and City Council of Baltimore, and shall perform such other duties as shall be prescribed by ordinances not inconsistent with this Article.

Members of Board.

President and Clerk.

Powers of Commissioners and duties.

CITY COLLECTOR.

City Collector
head of fifth
sub-depart-
ment of Fi-
nance; Sal-
ary.

Duties.

Assistants and
clerks.

42. The City Collector shall be the head of the fifth sub-department of Finance, and shall be appointed by the Mayor in the mode prescribed in section 25 of this Article, and hold his office as therein provided. He shall be paid for his services in collecting City taxes the salary of two thousand dollars per annum, payable monthly. He shall be the collector of all taxes and assessments on real property levied or made by the City. He shall in October in the year eighteen hundred and ninety-eight and in each year thereafter, immediately upon the receipt of the statement from the Appeal Tax Court, showing the taxable basis for the next ensuing fiscal year, as provided for in section 171 of this Article, begin the preparation of the tax bills on said basis, and after the levy of taxes has been made he shall complete said bills and have them ready for payment by the taxpayers on the first day of January next ensuing said levy, or as soon thereafter as practicable. He shall have such assistants, clerks and bailiffs as may be fixed by ordinances, and who shall perform such duties as shall be prescribed by ordinances not inconsistent with this Article.**

1844, ch. 236, Sec. 4. P. G. L., (1860) Art. 81, Sec. 49. 1872, ch. 384.
1874, ch. 383, Sec. 48. P. G. L., (1888) Art. 81, Sec. 49.
1888, ch. 515. 1900, ch. 229.

Notice of sale
of property to
be published.

43. Whenever it shall become necessary to sell any part or parcel of ground in the City of Baltimore, improved or unimproved, for the payment of any taxes or assessment, of any nature or kind whatever, levied or charged, the City Collector shall first give notice by advertisement published once a week for four successive weeks in two of the daily newspapers published in said City, one of which shall be in the German language, that he will sell said property at public auction on the day in the said advertisement mentioned ; said notice shall state the name of the person, when known,

****NOTE:** For decisions of interest in properly construing the provisions of section 42, *supra*, see,

Sterling *v.* McMaster, 82 Md. 164. Textor *v.* Shipley, 86 Md. 424. Skinner, etc. Dry Dock Co. *v.* Baltimore City, 96 Md. 38.

to whom such a parcel of ground is assessed, the amount of taxes due on the same, and what improvements, if any, are on said parcel of ground, and to properly describe said property the City Surveyor shall actually survey and furnish to the City Collector a description and plat of each lot so in arrear and the sum to be paid for each survey, including the description and plat, shall be three dollars and fifty cents, said sum to be added to the tax bill and collected in the same manner as the bill itself. The Collector shall before advertising said property for sale give to the person or persons so in arrears, or to one of them if more than one, or leave at his or her or their residence or last known residence of one of them, and if no such residence be known there shall be left upon the premises so to be sold for taxes, a statement of his or her or their indebtedness, and not less than thirty day's notice of his (said Collector's) intention if the bill is not paid to enforce the payment thereof by distraint or execution.

What notice shall contain.

Statement of indebtedness to be served on delinquent taxpayer and notice of distress to be given before advertising property as above.

Mayor, &c. *v.* Howard, 6 H. & J. 383. Alexander *v.* Walter, 8 Gill 239. Polk *v.* Rose, 25 Md. 153. Co. Commr's. of Pr. Geo. Co. *v.* Clarke, 36 Md. 207. Tax Sale of Lot 172, 42 Md. 196. County Commr's. *v.* Union Mining Co., 61 Md. 548. Cooper *v.* Holmes, 71 Md. 20. County Commr's. of Balto. Co. *v.* Winand, 77 Md. 522. Duvall *v.* Perkins, 77 Md. 582. Textor *v.* Shipley, 86 Md. 424. Benzinger *v.* Gies, 87 Md. 704.**

P. L. L., (1860) Art. 4, Sec. 875. P. L. L., (1888) Art. 4, Sec. 833.

44. The City Collector shall require the purchaser of such property on the day of sale, or the day next succeeding, to pay on account of said purchase the amount assessed or taxed on the lot so sold, together with all costs and

Purchaser to pay taxes and costs of distress or execution.

**NOTE: As to collection of taxes and tax sales generally, *see*, Mayor *v.* Chase, 2 G. & J. 376. Polk *v.* Pendleton, 31 Md. 125. Dyer *v.* Boswell, 39 Md. 465. Guisebert *v.* Etchison, 51 Md. 478. Steuart *v.* Meyer, 54 Md. 466. Margaff *v.* Cunningham, 57 Md. 585. Gould *v.* Mayor, 58 Md. 46. Hebb *v.* Moore, 66 Md. 167. Perkins *v.* Dyer, 71 Md. 421. Georgetown College *v.* Perkins, 74 Md. 72. Degner *v.* M. & C. C. of Balto., 74 Md. 144. Bader *v.* Perkins, 77 Md. 468. Baltimore *v.* Ulman, 79 Md. 486. Shaw *v.* Devecmon, 81 Md. 217. Richardson *v.* Simpson, 82 Md. 157. Baumgardner *v.* Fowler, 82 Md. 637. Young *v.* Ward, 88 Md. 413.

charges, and no more, and the residue of the purchase money shall remain on a credit of one year and a day.

P. L. L., (1860) Art. 4, Sec. 876. P. L. L., (1888) Art. 4, Sec. 834.

If property
not redeemed
after a year
and a day,
deed to be
executed.

45. If the property so sold shall not be redeemed at the expiration of a year and a day from the day of sale, the City Collector shall, when required, and on payment of the full amount of the purchase money, execute a deed for the same to the purchaser, and the balance of the purchase money so received by him shall be paid to the City Register.

Polk *v.* Rose, 25 Md. 153. Hamilton *v.* Valiant, 30 Md. 139. Tax Sale of Lot 172, 42 Md. 196. Taylor *v.* Forrest, 96 Md. 529.

1904, ch. 281.

Property sold
by one City
Collector and
sale reported
and deed exe-
cuted by his
successor.

§45a. Whenever property in the City of Baltimore has been sold for taxes pursuant to law, by one City Collector, and such sale has been reported and the deed executed by the successor in office of the City Collector who made the sale as aforesaid, such report and such conveyance shall be as valid to all intents and purposes as they would have been if made by the City Collector who made the sale.

1904, ch. 281.

Property sold
and sale re-
ported by one
City Collector
and deed exe-
cuted by his
successor.

§45b. Whenever property in the City of Baltimore has been sold for taxes, pursuant to law, by one City Collector, and such sale has been reported by the City Collector who made the same, but the deed for such property has been executed and delivered by the successor in office of the City Collector who made such sale and report as aforesaid, such conveyance shall be as valid to all intents and purposes as it would have been if made by the City Collector who made and reported the sale.**

P. L. L., (1860) Art. 4, Sec. 877. P. L. L., (1888) Art. 4, Sec. 835.

Investment of
surplus in
public debt.

46. If it shall appear that the owner of the said lot or parcel of ground prior to the execution of the deed for the same by the City Collector, cannot, after reasonable effort, be found, or if said owner shall refuse to receive said bal-

**NOTE: *see*, Duvall *v.* Perkins, 77 Md. 588. Taylor *v.* Forrest, 96 Md. 533.

lance of money, then in either case the City Register shall invest the same for the benefit of such owner in any public debt of the State of Maryland or Mayor and City Council of Baltimore, and shall safely keep the same, and from time to time collect the interest due thereon, and invest for the benefit of such owner the interest from time to time in the said stock.

P. L. L., (1860) Art. 4, Sec. 878. P. L. L., (1888) Art. 4, Sec. 836.

47. When any lot or parcel of ground in the said City shall be sold by reason of non-payment of the tax or assessment due thereon, the owner or other persons having an estate or interest therein shall have power to redeem the same at any time within one year and a day from the day of sale, on paying or tendering in payment to the City Collector the whole amount of money received by such City Collector from the sale of the lot or parcel of ground to be redeemed, and a further sum of one-half per cent. per month interest from the time of sale to the time of such tender; and the sums so paid shall be by the City Collector delivered or tendered to the purchaser, whose right in the property so purchased shall thenceforth cease and determine.

Owner of lot may redeem within specified time on payment of certain sums.

1900, ch. 663.

§47a. In all cases where lands held by lease have been sold for the non-payment of taxes or assessments due thereon, the owner of the reversionary interest therein shall have the right at any time within one year and a day from the day of such sale, on paying or tendering in payment to the collector the whole amount of the money received by such collector from the sale of the lot or parcel of ground, together with the further sum of one-half per cent. per month interest from the time of sale to the time of such tender, to be substituted in the place of said purchaser of said lot or parcel of ground so sold, and the sum so paid shall be by the collector delivered or tendered to the purchaser whose rights in the property shall thenceforth cease and determine. **

Owner of reversionary interest in leasehold property sold for taxes may in certain cases be allowed to redeem same.

**NOTE.—This section was intended to supplement section 836 of P. L. L., (1888) Art. 4, now codified as section 47 of the New Charter.

P. G. L., (1860) Art. 81, Secs. 61, 63. 1867, ch. 186. 1870, ch. 312.
 1872, ch. 384. 1874, ch. 483, Sec. 51. P. G. L., (1888) Art. 81, Sec. 52.
 P. L. L., (1888) Art. 4, Sec. 837. 1888, ch. 515. 1902, ch. 490.

48. In all cases where lands held in fee simple or by lease have been sold, or shall be sold for payment of taxes in arrears, according to the provisions of existing laws, it shall be the duty of the City Collector to report the said sale, together with all the proceedings had in relation thereto to the Circuit Court of said City. The Court to which such report shall be made shall examine the said proceedings, and if the same appear to be regular, and the provisions of law in relation thereto have been complied with, shall order notice to be given by advertisement published in such newspapers as the Court shall direct, warning all persons interested in the property sold to be and appear by a certain day in the said notice to be named, to show cause, if any they have, why said sale should not be ratified and confirmed ; and if no cause or an insufficient cause be shown against the said ratification, the said sale shall, by order of said court, be ratified and confirmed, and the purchaser shall, on payment of the purchase money, have a good title to the property sold ; but if good cause, in the judgment of said court, be shown in the premises, the said sale shall be set aside ; in which case the said City Collector shall proceed to a new sale of the property and bring the proceeds into court, out of which the purchaser shall be repaid the purchase money paid by him to the City Collector on said rejected sale, and all taxes assessed on said real estate and paid by said purchaser since said sale, and all costs and expenses properly incurred in the said court, with interest on all such sums from the time of payment ; and if the purchaser has not paid the purchase money or the subsequent taxes, to apply said proceeds to the payment of the taxes for which said real property may have been sold, and all subsequent taxes thereon then in arrears, with interest on the same, according to law, and the costs of the proceedings ; but such sales shall not be set aside if the provisions of the law shall appear to have been substantially complied with ; and the burden of proof shall be on the exceptant to show the same to be invalid under the law.

Ratification of
tax sales by
Circuit Court.

Sale may be
set aside and
resale made.

Application of
proceeds of
resale.

Proviso.

Co. Commr's, Pr. Geo. Co. v. Clark, 36 Md. 206. *Ex parte* in the matter of the Tax Sale of Lot 172, 42 Md. 196. Meyer v. Steuart, 48 Md. 423. Guisebert v. Etchison, 51 Md. 488. Steuart v. Meyer, 54 Md. 454. Cooper v. Holmes, 71 Md. 20. Textor v. Shipley, 77 Md. 476. Shaw v. Devecmon, 81 Md. 217. Richardson v. Simpson, 82 Md. 155. Baumgardner v. Fowler, 82 Md. 631. Keys v. Forrest, 90 Md. 136. Taylor v. Forrest, 96 Md. 531. *Cf.*, Margaff v. Cunningham's Heirs, 57 Md. 585. Young v. Ward, 88 Md. 419, 420. Oppenheimer v. Levi, 96, Md. 304. Hewitt v. Parsley, 101 Md. 207.

1880, ch. 230. P. L. L., (1888) Art. 4, Sec. 838.

49. Whenever the City Collector shall have distrained or levied upon any goods or chattels in said City for non-payment of any taxes, State or municipal, due by the owner thereof, before making sale of the property so distrained or levied upon, said City Collector shall give notice by advertisement published twice a week for one week prior to the day of sale, and also on the day of sale, in three of the daily newspapers published in said City, one of which shall be in the German language, that he will sell for cash, at public auction, to the highest bidder, on the day and at the time and place mentioned in said advertisement, the property therein specified, unless on or before the day of sale the entire amount of taxes for which such distraint or levy shall have been made, with the interest thereon, and costs of making said levy and advertisement, shall be paid.

Notice of sale
by advertise-
ment; its con-
tents.

1880, ch. 230. P. L. L., (1888) Art. 4, Sec. 839.

50. Every City Collector who shall sell any goods or chattels levied or distrained upon for taxes, State or municipal, in Baltimore City, after due advertisement, as required in the preceding section, shall retain out of the proceeds of sale the amount of taxes due from the delinquent, for which such levy or distraint shall have been made, with the interest thereon, and all costs incurred in making said sale, and shall pay over the surplus, if any, to the owner of the property so levied upon and sold.

Sale of Chattels
Application
of proceeds.

1890, ch. 205. P. L. L., (1888) Art. 4, Sec. 841A. 1900, ch. 229.

51. The City Collector shall not be required to distrain for any taxes assessed or levied upon real estate or personal

Advertised notice to be given of date when taxes become due. property, but he shall at least two weeks before the taxes become payable give notice by advertisement in three daily papers published in Baltimore City of the day on which all taxes for the ensuing fiscal year become due; and shall on the application in person or by agent or by mail of any person to whom property is assessed deliver or send by mail a bill showing the amount of taxes due by such person two weeks before the day on which such taxes shall by law be in arrear. He shall give notice by advertisement in the same way that all taxes not paid on or before that date will be in arrears, and that the property on which said taxes are levied will then be subject to be sold for taxes. And said notice shall further state that unless the taxes so in arrear are paid within thirty days thereafter, three per cent. of the gross amount thereon shall be added to each bill for taxes in arrear, and at the expiration of thirty days from such notice, if the same be not then paid, three per centum of the gross amount of each bill for said taxes in arrear shall be added thereto as a penalty and collected in the same manner as the bill itself, said penalty to be paid to the City Collector and by him to the City Register to the credit of the Mayor and City Council; to provide for the expense of collecting the taxes for the fiscal year 1900, the Mayor and City Council may by ordinance appropriate the moneys so to be paid to the Register in payment of the expenses for collecting the taxes for that year.

Bills to be sent by mail to taxpayers.

Notice of taxes in arrear. What said notice shall contain.

Interest and penalty to be added.

Expense of collecting taxes.

Benzinger v. Gies, 87 Md. 704.

1904, ch. 386.

51A. In all cases where the City Collector shall commence and carry on proceedings for the enforcement and collection of taxes under the provisions of this Article, whether by notice, distraint, levy, advertisement, sale, report of sale or otherwise, and the term of office of such City Collector shall expire or shall cease by death, resignation, removal or otherwise, before such proceedings are completed, and, in case of sale, before the said sale has been fully ratified and confirmed and a deed to the purchaser executed and delivered as provided in this Article, the

Enforcement and collection of taxes, begun by City Collector may be completed by his successor.

successor in office of such City Collector whose term of office shall thus cease or expire is hereby authorized, empowered and required to continue and complete all said proceedings commenced and carried on as aforesaid, during the term of office of his said predecessor, in the same manner and with like effect as his said predecessor would have been authorized and empowered to do had his term of office not ceased and expired as aforesaid; and the successor in office of such City Collector whose term of office shall thus cease or expire, shall have full power and authority to report any and all sales made by his said predecessor in office, to execute and deliver any and all deeds to property sold or reported by his said predecessor, and generally to do any and all acts and things necessary or proper to be done in order to continue and finally complete the enforcement and collection of taxes, and the sale and conveyance of property therefor commenced and carried on by his said predecessor in office.

Duties of succeeding Collector.

Duvall v. Perkins, 77 Md. 588. *Taylor v. Forrest*, 96 Md. 529.

COLLECTOR OF STATE TAXES.

1874, ch. 483. P. L. L., (1888) Art. 4, Sec. 851. P. G. L., (1904) Art. 81, Sec. 31.

52. The Mayor shall appoint in the mode prescribed in section 25 of this Article, and he shall hold his office as therein provided, one Collector for Baltimore City, for the collection of all State taxes levied or to be levied for any year; and it shall not be lawful for the municipal authorities of said City to provide any fixed annual or other stated compensation for collection of the State taxes, or a salary of any kind, to the said Collector for his services in collecting the State taxes, otherwise than by a per centum on the amount of his collections, as prescribed by this Article.

Appointment,

Compensation;

**Crane v. State*, 1 Md. 27. **Humphrey v. State*, 17 Md. 57. **McCauley v. State*, 21 Md. 573. **Allen v. State*, 98 Md. 697. Cf., *Seidenstricker v. State*, 2 Gill 374.

1888, Art. 81, Sec. 33. 1860, Art. 81, Sec. 35. 1865, ch. 155. 1868, ch. 366. 1874, ch. 483, Sec. 32. P. L. L., (1888) Art. 4, Sec. 852.

Bond.

53. The Collector of State taxes in the City of Baltimore, before he acts as such, shall give a bond to the State of Maryland in the penalty of seventy-five thousand dollars, to be approved by the Governor, with the condition that "if the above bound——shall well and faithfully execute his office, and shall account to the State Comptroller for, and pay to the Treasurer of the State, the several sums of money which he shall receive for the State, or be answerable for by law, at such times as the law shall direct, then such obligation to be void, otherwise to remain in full force and virtue in law." The said Collector's bond, when approved by the proper authorities in the City of Baltimore, shall be recorded in the office of the Clerk of the Superior Court of Baltimore City, and when approved by the Governor shall be filed in the office of the State Comptroller.

Baden *v.* State, 1 Gill 165. State *v.* Carleton, 1 Gill 249. Waters *v.* State, 1 Gill 302. Lawrenson *v.* State, 7 H. & J. 339. Milburn *v.* State, 1 Md. 14. Billingslea *v.* State, 14 Md. 369. McCauley *v.* State, 21 Md. 573. State *v.* Horner, 34 Md. 569. Frownfelter *v.* State, 66 Md. 80.

1888, Art. 81, Sec. 34. 1868, ch. 366. 1874, ch. 383, Sec. 33. 1904, Art. 81, Sec. 34. P. L. L., (1888) Art. 4, Sec. 853.

Daily deposits
of State
taxes.

54. The Collector of State Taxes in the City of Baltimore shall make daily deposits of such sums of money as he shall receive for State taxes collected by him, less the amount of commission allowed him for the collection of the same, to the credit of the Treasurer of the State of Maryland, in some bank in said City which pays to the State the bonus or school tax, as provided by law, to be designated by the said Treasurer, and shall send to the Treasurer a statement of the amount so deposited within the first ten days of each month, with a certificate of the bank that the same is so deposited; and on the failure to make such daily deposits and to send such certificate, he shall, on proof thereof to the satisfaction of the Governor, be liable to removal from office by the Governor, and the State Comptroller shall immediately enter suit upon his bond.

Penalty for
failure.

*Allen *v.* State, 98 Md. 697. See Seidenstricker *v.* State, 2 Gill 374.

1874, ch. 483. P. L. L., (1888) Art. 4, Sec. 854. 1888, Art. 81, Sec. 35.
1868, ch. 366. 1874, ch. 483. Sec. 34.

55. The Treasurer of the State may make weekly examination of the books of the Collector of State Taxes in Baltimore City, whose books shall always be open to such inspection.

State Treasurer
may examine
books weekly.

1874, ch. 483. P. L. L., (1888) Art. 4, Sec. 855. 1888, Art. 81, Sec. 39. 1860, Art. 81, Sec. 39. 1844, ch. 236, Sec. 1. 1865, ch. 155. 1868, ch. 366. 1874, ch. 483, Sec. 38.

56. If there be no Collector of State Taxes qualified and compensated in conformity with the provisions of this Article in said City by the fifteenth day of October in any year, the Governor shall appoint from any part of the State a Collector for the said City, who shall give bond, with sureties to be approved by the Governor, and be in all respects on a footing with other State Collectors' bonds as provided in the Public General Laws, Article 81, title "Revenue and Taxes," and the said Collector shall have all the power of other Collectors.

When Governor
may appoint Col-
lector.

1874, ch. 483. P. L. L., (1888) Art. 4, Sec. 856.

57. The Mayor and City Council of Baltimore shall levy upon the assessable property in the City of Baltimore such commission as will in its judgment insure a speedy collection of said State taxes, not exceeding two per centum on the amount to be placed in the hands of said Collector of State Taxes for Baltimore City; said commission to be levied for the use of said Collector, and to be collected as other charges are collected.

Commission of
Collector to
be levied.

Allen v. State, 98 Md. 697.

58. The City Collector shall be the Collector of State Taxes, and perform the duties as herein provided, unless otherwise provided by ordinance of the Mayor and City Council of Baltimore.

City Collector
to collect
State Taxes.

1906, ch. 101.

58A. At the trial or hearing of any suit or proceedings of any kind, whether at law or in equity, or before any Justice of the Peace, brought for the recovery of any tax,

Certificate of the City Collector, or of the Collector of State Taxes, as to the amount of taxes due to be *prima facie* evidence of amount of taxes due.

or taxes, and for any interest or penalties that may be due and owing on account of the non-payment of such tax or taxes, against any corporation, firm or individual, and in the case of an individual whether such suit or proceedings be against him or her in a representative or fiduciary capacity, or in his or her own right, the certificate of the City Collector or of the Collector of State Taxes in the City of Baltimore, as the case may be, as to the amount of such tax or taxes due, and as to the amount of any interest or penalties or both, due for non-payment of the same shall be *prima facie* evidence to entitle either the Mayor and City Council of Baltimore or the State of Maryland as the case may be, to a verdict and judgment, or to an order or decree as the proceedings may warrant, against such corporation, firm or individual, and in the case of an individual, whether the individual be sued or proceeded against in a representative or fiduciary capacity or in his or her own right for the full amount of such tax or taxes, together with any interest or penalties, or both, which said certificate shall so state to be due and owing.

COLLECTOR OF WATER RENTS AND LICENSES.

1898, ch. 123. 1900, ch. 109.

Appointments.

59. The Collector of Water Rents and Licenses shall be the head of the sixth sub-department of Finance, and shall be appointed by the Mayor in the mode prescribed in Section 25 of this Article, and hold his office as therein provided. He shall be paid the salary of two thousand five hundred dollars (\$2,500) per annum, payable monthly. He shall collect all water rents and license fees, and all other dues, or revenues to which the Mayor and City Council of Baltimore is or may be entitled except otherwise provided in this Article, and he shall have such assistants and clerks and perform such other duties as shall be prescribed by ordinances not inconsistent with this Article. All licenses

Duties.

When licenses shall become due.

imposed by ordinances shall be due and collectible in the first week of January in each year, and it shall be the duty of said Collector of Water Rents and Licenses to see that said Licenses are paid at that time; provided, that the

Mayor and City Council of Baltimore may, if the public service permits, assign the duties to be performed by this section to be performed by the Collector of Water Rents and Licenses, to some other municipal official, and when so done by ordinance this office may be abolished. Proviso.

DEPARTMENT OF LAW.

60. There shall be a Department of Law of the Mayor and City Council of Baltimore; the head of said department shall be the City Solicitor. City Solicitor.

1906, ch. 459.

61. The City Solicitor shall be appointed by the Mayor in the mode prescribed in Section 25 of this Article, and hold his office as therein provided. He shall be a member of the Baltimore Bar, who has practiced his profession for not less than ten years in Baltimore City, and he shall receive a salary of forty-five hundred dollars per annum, payable monthly. His appointment; qualifications; salary.

1898, ch. 123. 1904, ch. 112. 1906, ch. 206.

62. The City Solicitor shall be the legal adviser of the Mayor and City Council of Baltimore, and its several departments, and special commissions or boards, and shall have general supervision and direction of all legal business of the City. He shall have charge and direction of the preparation and trial of all suits, actions and proceedings of every kind to which the City, or any municipal official, department, special commission or board, shall be a party in any Court, local, State or Federal, or before any Justice of the Peace, and when practicable, without conflict with his other duties, he shall personally participate in the trial of all such suits in any of the Federal Courts and in the Court of Appeals of Maryland and of all such suits in other Courts which the Mayor may request him in writing to try, and shall discharge such other duties as may from time to time be prescribed by ordinances not inconsistent with this Article. He shall appoint in writing four assistants, to be known respectively, as the Deputy City Solicitor and City Solicitor the legal adviser of Mayor and City Council of Baltimore. Appointment of Assistants

Salaries.	Assistant City Solicitor, all of whom shall be members of the Baltimore Bar, and shall hold their respective positions at salaries payable monthly of \$3,000 per annum for the Deputy City Solicitor and \$2,500 per annum for each of the said Assistant City Solicitors, during the pleasure of the City Solicitor, who is hereby authorized to assign to them the performance, subject to his direction and control, of any of the duties required of him by this Article, whether expressed to be personal to himself or not, excepting only such duties as pertain to his character as a member of the Board of Estimates or the Board of Awards. In case any vacancy shall occur in the office of the City Solicitor whether by death, resignation or otherwise, the Deputy City Solicitor shall perform all the duties appertaining to said office until the appointment and qualification of the new City Solicitor, and during the absence, sickness or other disability of the City Solicitor, the Deputy City Solicitor shall perform all the duties appertaining to the office of City Solicitor, including his duties as a member of the Board of Estimates and of the Board of Awards. In addition to such other duties as the City Solicitor may assign to him, one of the Assistant City Solicitors shall have charge, subject to the direction and control of the City Solicitor, of the examination of all titles on behalf of the City, and in doing such work shall be aided by such persons as the City Solicitor shall employ for the purpose out of the funds appropriated by the annual ordinance of estimates to his department for general expenses, or out of the proceeds of loans or other sums appropriated by the Mayor and City Council of Baltimore to defray the cost of public improvements or work involving the examination of titles on behalf of the City.*
When Deputy City Solicitor shall act as City Solicitor.	
Duties of Assistant City Solicitors.	
Examination of titles.	

*NOTE.—In relation to the powers and duties of the City Solicitor and his authority in representing the City in suits prior to the enactment of the new City Charter, *see* ;

Balto. *v.* Ritchie, 51 Md. 233. Ireton *v.* Baltimore, 61 Md. 432. Dugan *v.* Mayor, 70 Md. 7, 8. M. & C. C. of Balto. *v.* Turnpike Co., 80 Md. 546.

63. The City Solicitor shall give advice and opinions in writing upon any legal questions affecting the interest of the City, which may be submitted to him in writing by the Mayor or either Branch of the City Council, or any Committee thereof, or the head of any department, or a special commission or board. All deeds, bonds, contracts and other legal instruments involving the interest of the City or to be executed by or passed to the Mayor or other officer of the City shall, before they are executed or accepted, be submitted to the City Solicitor and have endorsed upon them his opinion as to their sufficiency and their compliance in terms and conditions with the laws or ordinances under which they are executed. It shall be the duty of all officers and departments of the City to submit all such bonds, contracts or other written instruments to the City Solicitor for his approval before executing or accepting the same.

To give written opinions on legal questions.

To pass upon legal instruments to which City is a party.

64. The Law Department shall have its offices and headquarters in such rooms in the City Hall, or elsewhere, as the Mayor may designate, to be provided and furnished at the expense of the City, and which shall be open on all business days between the hours of 9 A. M. and 3 P. M. All papers and documents relating to the legal business of the City shall be permanently filed in said office.

Offices and hours of Law Department.

1898, ch. 123. 1904, ch. 112. 1906, ch. 206.

65. The City Solicitor is authorized to employ, in addition to the assistants to one of the Assistant City Solicitors mentioned in Section 62 of this Article, at a total cost not exceeding the aggregate amount therefor fixed by the annual ordinance of estimates, a clerk, stenographer and typewriter, and such other assistants of every kind as he may require, who shall at all times be subject to his orders. The said clerk shall, subject to the direction of the City Solicitor, have charge and custody of the office and papers of the Law Department, which shall be arranged and indexed by him in such convenient and orderly manner as to be at all times readily accessible. He shall also keep in said office a complete docket and duplicate pleadings of all suits, actions, or proceedings in which the City, or any

Employment of clerk, stenographer, etc.

Duties of clerk.

department or official thereof, is interested, pending in any Court or tribunal, upon which docket such appropriate entries shall be made as to show at all times the condition of each one of such cases. He shall also keep and record in a book to be provided for that purpose the original or duplicate copies of all written opinions furnished by the Law Department to the City, or to any department or official thereof, and also of all abstracts of title furnished to the City by the Law Department. He shall also procure as far as possible all legal opinions and abstracts of title which have heretofore been furnished to the City, or any department or official thereof, and shall file and arrange such opinions and abstracts in such manner and order as to be at all times readily accessible, and shall make and preserve an index thereof. He shall also procure all law books heretofore purchased by the City and in possession of any law officer or ex-law officer of the City, and arrange them in a proper bookcase.*

Legal opinions
and abstracts
of title to be
filed.

66. The City Solicitor shall have authority, with the written approval of the Mayor, to institute on behalf of the Mayor and City Council of Baltimore, any suit, action or proceeding in any court or tribunal, local, State or Federal. All appeals on behalf of the City to the Court of Appeals, the Supreme Court of the United States, the United States Circuit Court of Appeals or to any other Court shall be taken upon the written order of the City Solicitor, approved by the Mayor.

Authority of
City Solicitor
respecting
suits on be-
half of City.

M. & C. C. of Baltimore v. Turnpike Co., 80 Md. 536.

67. The City Solicitor and his Assistants shall be allowed reasonable traveling expenses outside of the City, to be audited by the Comptroller, when on business connected with the Law Department.

Travelling Ex-
penses.

DEPARTMENT OF PUBLIC SAFETY.

68. There shall be a Department of Public Safety of the Mayor and City Council of Baltimore, which shall consist of the Board of Fire Commissioners, Commissioner

*NOTE.—See Sec. 2 of Act 1904, ch. 112.

of Health, Inspector of Buildings and Commissioner of Street Cleaning, and *ex officio* the President of the Board of Police Commissioners. The head of said department shall consist of a Board of Public Safety, composed of the President of the Board of Fire Commissioners, who shall be President of said Board, Commissioner of Health, Inspector of Buildings, Commissioner of Street Cleaning, and the President of the Board of Police Commissioners. This Board shall be for consultation and advice, and it shall have no power to direct or control the duties or the work of any sub-department. It shall perform such other duties as may be required of it by ordinances not inconsistent with this Article.

Head of Department.

Province of Board.

BOARD OF FIRE COMMISSIONERS.

69. The Board of Fire Commissioners shall be the head of the first sub-department of Public Safety, and shall consist of a Board of three persons appointed by the Mayor in the manner prescribed in section 25 of this Article, and hold their offices as therein provided, and they shall have control, regulation and supervision of the Fire Department and matters relating to the same, and shall perform such other duties as may be required by ordinances not inconsistent with this Article. One of said three persons shall be designated by the Mayor as the President of said Board. Each member of said Board shall be paid a salary of one thousand dollars per annum, payable monthly. They shall have power to appoint all subordinates in their sub-department, and fix their compensation, not, however, to exceed in number of employees or aggregate amount of compensation the limits fixed by ordinance.

Appointment.

President.

Salaries and powers.

1884, ch. 312. 1886, ch. 463. 1888, ch. 393. P. L. L., (1888) Art. 4, Secs. 315 and 315A.

70. The Board of Fire Commissioners of the City of Baltimore may retire from office in the Fire Department any permanent or call member thereof who has become permanently disabled while in the actual performance of

May retire disabled members of Fire Department.

Pensions for
widows and
children.

duty, or who has performed faithful service in the department for a period of not less than twenty consecutive years, or who may become unable to perform further service by reason of age or other physical or mental disabilities, and place the member so retired upon a pension roll. And said Board may also provide for the relief of the widows and children of firemen who may be killed in the discharge of duty. The amount of such annual pension to be allowed by said Board of Fire Commissioners to each pensioner shall be equal to one-half the yearly amount then being received by him, for service in said department at the time of such retirement, per annum, payable in monthly installments.

COMMISSIONER OF HEALTH.*

Appointment;
his duties
and powers.

71. The Commissioner of Health shall be the head of the second sub-department of Public Safety. He shall be appointed by the Mayor, in the mode prescribed in section 25 of this Article, and hold his office as therein provided. It shall be his duty to cause all ordinances now in existence or which may hereafter be enacted for the preservation of the health of the City of Baltimore, not inconsistent with this Article, to be faithfully executed and strictly observed; and all power and authority now lodged in the Board of Health in said City shall be and the same is hereby transferred to the Commissioner of Health. His salary shall be three thousand five hundred dollars per annum, payable monthly, and he shall be a physician of five years' experience and active practice at the time of his appointment. He shall perform such duties in this department as are now required or may hereafter be prescribed by ordinance not inconsistent with this Article.

Salary.

May appoint
subordinates
and fix their
compensation.

The Commissioner of Health may appoint two Assistant Commissioners of Health, a Medical Examiner and an Assistant Medical Examiner, and a reasonable number of clerks and subordinates, and fix their compensation, but no greater number of persons shall be appointed by or employed under said Commissioner of Health than the

*NOTE.—For origin of provisions of Charter under this title see City Code (1892) Art. 23.

public interests demand and the appropriation by the Mayor and City Council of Baltimore shall justify.

72. There may be appointed by the Commissioner of Health, a reasonable number of Sanitary Inspectors for said City, not exceeding fifteen, of whom two may be physicians, and one, at least, shall be a person skilled in the matters of drainage and ventilation ; and the Commissioner of Health from time to time may prescribe the duties of each, consistent with the ordinances now existing or hereafter enacted, and not inconsistent with this Article.

To appoint
Sanitary In-
spectors.

1894, ch. 53.

73. The Commissioner of Health shall appoint all inspectors and analysts of bakeries, bake shops, candy factories, confectioners or other places for the manufacture of bread, cakes, confectionery and similar food products, for the purpose more especially of ascertaining their sanitary condition and cleanliness, and for the purpose of ascertaining the purity, healthfulness and wholesomeness of the flour, sugar, butter, lard or other ingredients used in making such bread, cakes, confectionery and other articles of food offered for sale in the City of Baltimore, or intended for consumption therein, as by ordinance may be prescribed.

To appoint in-
spectors and
analysts of
bakeries, etc.

Deems v. M. & C. C. of Baltimore, 80 Md. 170.

1894, ch. 53.

74. The Commissioner of Health shall appoint all inspectors and analysts for the proper inspection of milk or any and all other food products offered for sale in the City of Baltimore, or intended for consumption therein, as by ordinance may be prescribed.

To appoint
milk inspec-
tors.

Deems v. M. & C. C. of Baltimore, 80 Md. 170.

75. One of the Assistant Commissioners of Health, who shall be a legally authorized practicing physician in good standing, shall be assigned to the performance of the duties of Quarantine Hospital Physician. He shall reside permanently on the grounds attached to the hospital on the

Quarantine
Hospital
physician;
residence.

southern shore of the Patapsco River, and known as the Quarantine Hospital of the port of Baltimore, and shall superintend all the affairs of the hospital and the adjacent grounds, under the direction of the Commissioner of Health. Whatever powers have been heretofore granted by the Mayor and City Council of Baltimore, in regard to quarantine regulations, to the Board of Health, are hereby transferred to the Commissioner of Health, subject to alteration, amendment or repeal by ordinances not inconsistent with this Article.

Powers of C. of H. in regard to quarantine regulations.

76. In consideration of the duties to be performed by one of the Assistant Commissioners of Health as Quarantine Hospital Physician, said officer shall hereafter receive, in lieu of all commissions and fees, a salary of three thousand dollars per annum, payable monthly, and he may occupy the dwelling on the hospital grounds free of charge, but all expenses incurred for his support, or that of his family, shall be defrayed out of his salary. The other Assistant Commissioner of Health shall be allowed a salary of two thousand dollars per annum, payable monthly.

Salary of Quarantine Hospital Physician.

1898, ch. 123. 1900, ch. 109.

77. The Commissioner of Health shall annually appoint a Vaccine Physician for every ward of the City of Baltimore, who shall be a resident of the ward for which he may be appointed, who shall vaccinate in his ward all such persons as may be designated by the Commissioner or Assistant Commissioner of Health as susceptible to small-pox contagion, and whose duty it shall be to visit each dwelling house in the ward for which he is appointed and vaccinate every person who may be presented to him for that purpose, and to be prepared at his office at such hours as may be designated by the Commissioner of Health to vaccinate all who may there call on him that are residents of said ward requiring vaccination. He shall keep a record of the names, ages and residences of all whom he shall vaccinate or re-vaccinate, and report the same monthly under oath or affirmation to the Commissioner of Health, and shall also report to said Commissioner of Health monthly the names of all

Appointment and Duties of Vaccine Physician.

To keep record and report vaccinations.

persons who shall refuse to suffer themselves or the members of their household to be vaccinated when the same shall be necessary. He shall discharge all other duties which may be required of him as such Vaccine Physician by ordinances not inconsistent with this Article, and shall also discharge the duties of Sanitary Inspector for his ward. Each Vaccine Physician shall be paid a salary of not more than nine hundred dollars (\$900) per annum, to be fixed by the Health Commissioner, payable monthly.

Other duties;
salary.

78. Each of the said Vaccine Physicians shall act as health warden of his respective wards, and shall sign, without charge, all certificates that may be required of him to enable children from the respective vaccine districts to enter any of the public schools of Baltimore; and he shall have a general supervision of the health of his respective wards, and report to the Commissioner of Health any nuisance which in his opinion is or may become a source of disease, and in case of the manifestation of any contagious disease, he shall at once, under the direction of the Commissioner of Health, proceed to use such means as the nature of the case may demand, to arrest its progress.

Vaccine physi-
cians to act
as health
wardens of
their wards.

INSPECTOR OF BUILDINGS.

79. The Inspector of Buildings shall be the head of the third sub-department of Public Safety. He shall be an architect or builder of ten years' experience in the active practice of his profession and have had responsible charge of work for at least that length of time. He shall be appointed by the Mayor in the mode prescribed in section 25 of this Article, and hold his office as therein provided, and under this department he shall have the supervision of the construction of all buildings erected in the said City, and shall see that the building laws relating to the construction of said buildings shall be complied with, and he shall perform such other duties as may be prescribed by ordinances not inconsistent with this Article. He shall be paid a salary of three thousand dollars per annum, payable monthly.

Qualifications
and appoint-
ment.

Duties; Salary.

1882, ch. 74. P. L. L., (1888) Art. 4, Sec. 129.

Duties in relation to Fire Exits.

80. It shall be the duty of the Inspector of Buildings to visit and inspect all theatres, hotels, public halls, churches, school-houses and buildings used for public assemblages, and all manufactories employing twenty-five or more persons, now erected or that may hereafter be erected in the City of Baltimore for the purpose of ascertaining if said buildings have the proper means of exit in case of fire or panic ; and if, on examination, the said Inspector of Buildings, shall determine that said buildings, as herein enumerated, have not the proper means of exit for the purposes herein prescribed, then it shall be the duty of the said Inspector of Buildings to notify in writing, the owners, trustees or lessees of said buildings that the proper means of exit do not exist, and direct the said owners, trustees or lessees of said buildings, as herein enumerated, to so improve the same as to provide the proper means of exit, in case of fire or panic, as in the judgment of the said Inspector of Buildings he may deem proper and necessary.

1882, ch. 74. P. L. L., (1888) Art. 4, Sec. 130.

Persons not complying with law to be penalized.

81. If any person having been notified, as provided in the preceding section, shall fail to comply with said notice, he shall, after the expiration of thirty days from the date of said notice, forfeit and pay a fine of one hundred dollars for non-compliance therewith, and twenty-five dollars per day for each and every day thereafter that he shall refuse to make such improvements as prescribed in the notice so given, as provided in the preceding section ; said fines to be collected as other fines are collected by law.

To enforce execution of building laws.

82. It shall be the duty of the Inspector of Buildings to enforce the execution of all existing or hereafter enacted building regulations and ordinances relating to the construction, alteration and removal of buildings, or other structures, walls or parts of buildings or other structures. The Inspector of Buildings shall have power to appoint such assistants and subordinates, clerks and employees as are or may hereafter be prescribed by ordinance, and fix their compensa-

tion, not to exceed in the aggregate the amount allowed by ordinance.

COMMISSIONER OF STREET CLEANING.

83. The Commissioner of Street Cleaning shall be the head of the fourth sub-department of Public Safety. He shall be appointed by the Mayor in the mode prescribed in section 25 of this Article, and hold his office as therein provided. He shall be charged with the duty of cleaning the streets, as well as the cleaning of the sewers, subject as to the latter to the direction and orders of the City Engineer; and shall perform such other duties as may be prescribed by ordinances not inconsistent with this Article. He shall be paid a salary of two thousand five hundred dollars per annum, payable monthly. The Commissioner may appoint such subordinates as his department shall require, and fix their compensation, not to exceed in the aggregate the amount appropriated by ordinance.

Appointment;
duties; salary.

To appoint subordinates and fix their compensation.

DEPARTMENT OF PUBLIC IMPROVEMENTS.

84. There shall be a Department of Public Improvements of the Mayor and City Council of Baltimore, which shall consist of the City Engineer, Water Board, Harbor Board and Inspector of Buildings. The head of said department shall be a Board of Public Improvements, composed of the City Engineer, who shall be President of said Board, the President of the Water Board, the President of the Harbor Board, and the Inspector of Buildings. This Board shall be for consultation and advice, it shall have no power to direct or control the duties or the work of any sub-department under this department. It shall perform such other duties as may be required of it by ordinances not inconsistent with this Article. Until the organization of said Board of Public Improvements by the Mayor first elected under the provisions of this Article, as provided in Section 25 of said Article, the City Commissioner, Engineer of the Water Board, Engineer of the Harbor Board and Inspector of Buildings, shall compose a Board to perform all the duties required of the said Board of Public Improvements by the provisions of this Article.

Board of Public Improvements; to be its head.

Its sphere and powers; duties of Board.

Board to give
its opinion in
writing on all
ordinances
for public im-
provements
where cost
exceeds \$2000.

85. When any ordinance for a public improvement, not included in the ordinance of estimates furnished by the Board of Estimates under the provisions of this Article, exceeding in cost the sum of two thousand dollars has passed its first reading in the Branch of the City Council in which it originates, it shall be referred to the Board of Public Improvements for an opinion, in writing, as to its advisability and whether the wants of the City actually require such an improvement, and by the last-named Board with such opinion attached to said ordinance it shall be sent to the Board of Estimates for its opinion, in writing, as to the probable cost of the same and whether the financial condition of the City will justify such an expenditure. No further action with regard to said ordinance shall be taken by the City Council until such reports have been made and submitted to both Branches of the City Council and read and entered on the respective journals of said Branches. It shall be the duty of both of the said Boards to promptly make the said reports and the Boards of Estimates shall return the same attached to said ordinance to the City Council.

Baltimore City v. Gorter, 93 Md. 13.

CITY ENGINEER.

1906, ch. 459.

Appointment;
duties; quali-
fications; sal-
ary and
powers.

86. The City Engineer, who shall be the head of the first sub-department of Public Improvements, shall be appointed by the Mayor in the mode prescribed in section 25 of this Article, and hold his office as therein provided. He shall have control and supervision of the streets, highways, lanes and alleys of the City of Baltimore, both as to their construction, paving and curbing. He shall construct all sewers, unless otherwise provided by ordinance. He shall be a civil engineer in the active practice of his profession for five years, and one who has had responsible charge of work for at least that length of time. He shall perform all the duties heretofore performed by the City Commissioner unless otherwise provided in this Article. He shall receive a salary of forty-five hundred dollars per annum,

payable monthly, and perform such other duties as may be prescribed by ordinances not inconsistent with this Article. He shall have power to appoint such subordinates as he may require, and fix their compensation, not, however, to exceed in number or compensation the limits fixed by ordinance; provided, however, that nothing in this Act contained shall be constructed to in anywise impair or modify the powers conferred upon the Sewerage Commission created under the provisions of Chapter 349 of the Acts of 1904.

1904, ch. 294.

86A. Whenever, because of sickness, temporary absence from the City or other disability, or under the stress of conflicting engagements or other reasonable necessity, the City Engineer shall be unable to discharge any duties or exercise any power imposed or conferred upon him in person in his primary capacity as City Engineer, by law or ordinance, he shall be and is hereby authorized to delegate in writing, subject to the approval of the Mayor, the discharge of such duty or the exercise of such power to such one or more of his chief subordinates as he may select.

Authority given to City Engineer in event of sickness or absence to delegate his powers to subordinates.

Protection of Improved Pavements.

1906, ch. 798.

86B. Whenever any of the streets, lanes or alleys of the City of Baltimore are to be paved or repaved with any new or improved pavements, the City Engineer before said paving or repaving is proceeded with shall cause a notice to be inserted in two daily newspapers published in the City of Baltimore, once a week for four successive weeks, notifying all persons and corporations that upon the expiration of a day to be named in said notice, said day not to be less than six weeks from the date of the first insertion of said notice, he will proceed with said paving or repaving and warning said persons and corporations to obtain permits for and to complete all work that might in any way necessitate the digging or tearing up of the said street, lane or alley, or any part thereof when so paved

Notice to be given when improved pavements are to be laid.

Contents of notice.

Proviso.

or repaved, before said day, and written or printed notices of like tenor and effect shall likewise at least four weeks before the expiration of said day, be served by the City Engineer, or on his behalf, upon all persons or corporations that he may supposed to be interested in receiving such notices ; provided, however, that the service of such last mentioned notices shall not be so construed as to be one of the prerequisites to the validity of the proceedings by the City under this and the succeeding section of this Article.

1906, ch. 798.

Such pavements not to be disturbed except as herein provided.

Permit required.

86C. The said pavement or repavement when thereafter laid shall in no event be dug or torn up in whole or in part at the instance of or by any person or corporation, unless in the cause of some special emergency that could not under the circumstances be reasonably expected to have been foreseen by said person or corporation, except upon a permit obtained therefor, signed and issued by the Mayor and City Engineer, jointly, which said permit said Mayor and City Engineer are expressly empowered in their absolute discretion to issue or withhold as the circumstances may appear to them to warrant. In case the said Mayor and City Engineer determine to issue said permit, they may attach such conditions and terms thereto as they may deem right and proper.

WATER BOARD.

To have charge of water supply.

Water Engineer.

87. The Water Board shall be the head of the second sub-department of Public Improvements, and shall have charge of the water supply to the inhabitants of the City of Baltimore, and shall consist of five persons appointed by the Mayor in the manner prescribed in section 25 of this Article, and hold their offices as therein provided. One of said five persons, who shall be the President of said Board and known as the Water Engineer, and so named by the Mayor, shall be civil engineer in the active practice of his profession for five years, and who has had responsible charge of work for at least that period of time. The Water Engineer shall receive a salary of four thousand

dollars per annum, payable monthly, and the other members of said Board shall serve without pay. All subordinates employed in said sub-department shall be appointed by the Water Engineer, subject to the approval of said Board; he shall fix their compensation not to exceed in the aggregate the amount appropriated by ordinance. The Water Engineer and Water Board shall perform such other duties as are now or may hereafter be prescribed by ordinances not inconsistent with this Article.

Appointment of subordinates in this sub-department; duties of Water Board and Engineer.

1904, ch. 364.

87A. The Water Board shall have such power and authority with reference to the assessing and establishing of rates either by meter, fixed charge or otherwise, for the supply and use of water for any purpose and at any point in Baltimore City and County, as may be delegated by said Board by ordinance of the Mayor and City Council of Baltimore; payments of said rates to be enforced as now provided by law; and the said Water Board shall also have such power and authority with reference to the abatement of water rates as may be delegated to them by ordinance of the Mayor and City Council of Baltimore.

Water rates; powers of Water Board.

HARBOR BOARD.

88. The Harbor Board shall be the head of the third sub-department of Public Improvements, which shall have charge of the harbor, wharves and navigable waters in and adjacent to the City of Baltimore. It shall consist of five persons appointed by the Mayor in the manner prescribed in section 25 of this Article, who shall hold their offices as therein provided. One of said five persons, who shall be the President of said Board and known as the Harbor Engineer, and so named by the Mayor, shall be a civil engineer in the active practice of his profession for five years, and who has had responsible charge of work for at least that period of time. The Harbor Engineer shall receive a salary of four thousand dollars per annum, payable monthly, and the other members of said Board shall serve without pay. All subordinates employed in

To have charge of harbor, wharves, etc.

President to be known as Harbor Engineer.

Latter to appoint subordinates subject to approval of Board, etc, duties of Engineer and Board.

said sub-department shall be appointed by the Harbor Engineer, subject to the approval of said Board, who shall fix their compensation, not to exceed in the aggregate the amount appropriated by ordinance. The Harbor Engineer and Harbor Board shall perform such other duties as may hereafter be prescribed by ordinances not inconsistent with this Article.

INSPECTOR OF BUILDINGS.

Further duties; to superintend construction of municipal buildings.

89. The Inspector of Buildings shall be the head of the fourth sub-department of Public Improvements, and shall be the same officer whose appointment is provided for herein in the Department of Public Safety. The duties he shall perform in this department and sub-department shall be the superintendence of the construction and repairing of all buildings built by the City, unless otherwise provided by ordinances. He shall receive no additional pay for his services rendered in this department. He shall perform such other duties in this department as may be required of him by ordinances not inconsistent with this Article.

DEPARTMENT OF PUBLIC PARKS AND SQUARES.

1906, ch. 416.

Board of Park Commissioners to be its head; appointment; president; secretary; his salary and duties.

90. There shall be a Department of Public Parks and Squares of the Mayor and City Council of Baltimore, the head of said department shall consist of a Board of Park Commissioners composed of five members to serve without pay, appointed by the Mayor in the manner prescribed in section 25 of this Article, one of whom shall be the President thereof, and shall be so designated by the Mayor. Their term of office shall be five years, one of them to retire at the end of every year at which time his successor shall be appointed. The present Board shall determine by lots their terms of office so as to provide for the retirement of one of its members on the first Monday in October in the year 1906, and one at the end of each year thereafter succeeding; provided, however, that none of the present Board shall serve for a longer term than five years, unless reappointed; said Board shall elect a secretary, who shall

be paid a salary of one thousand five hundred dollars (\$1,500) per annum, payable monthly, and he shall be the clerk of said Board, and shall perform such duties as may be prescribed by said Board. The said Board shall perform such other duties as may be prescribed by ordinances not inconsistent with this Article.

Duties of
Board.

1906, ch. 416.

91. The Board of Park Commissioners shall have charge and control of all public parks, squares, boulevards leading to parks, springs and monuments belonging to and controlled by or in the custody of the Mayor and City Council of Baltimore ; and it shall have power and authority to rent or lease property, which it may acquire on behalf of the City, whether by purchase, condemnation or otherwise, at such reasonable rentals, and for such terms as to the said Board may seem proper.

Jurisdiction of
Board.

1862, ch. 29. P. L. L., (1888) Art. 4, Sec. 706.

92. The Board of Park Commissioners shall have power from time to time to make such rules and regulations for the government and preservation of order within the parks, squares, springs and monuments belonging to, controlled by, or in the custody of the Mayor and City Council of Baltimore, as it may deem expedient. To carry out such regulations, fines not exceeding in any one case one hundred dollars shall be imposed for breaches of said rules and regulations, which fines shall be recoverable as other fines are in the name of the City, and said amounts so recovered shall be used and appropriated to the purposes of the Board of Park Commissioners.

Powers of
Board.

1876, ch. 40. P. L. L., (1888) Art. 4, Sec. 707. 1902, ch. 92.

1906, ch. 416.

93. The Board of Park Commissioners is authorized and empowered to regulate the speed of vehicles and equestrians within one mile of the approach and within the limits of said parks and squares, and to impose the fines provided for in the preceding section for the violation of any regulations it may establish in this connection, to be

Regulating the
speed of ve-
hicles and
equestrians
in parks.

recovered as therein provided ; but the said Board of Park Commissioners shall have no authority to pass any rule or regulation excluding private automobiles from the free use of the park squares and roadways under its control, nor shall the said Board of Park Commissioners have authority to pass any rule or regulation requiring vehicles, equestrians or automobiles to travel at a slower rate of speed than six miles per hour. The said Board shall also have power and authority to admit into the parks, squares and boulevards under its control, public conveyances, whether automobiles, wagons, or any other kind of vehicles, upon such terms and conditions as to charges and otherwise, as to the said Board may seem proper.

To regulate admission of public conveyances.

1862, ch. 29. P. L. L., (1888) Art. 4, Sec. 708.

Board conservators of peace in parks and squares.

94. The several members of the said Board of Park Commissioners shall have the power of conservators of the peace within the limits of said parks and squares.

1862, ch. 29. P. L. L., (1888) Art. 4, Sec. 709.

Board of Police Commissioners to detail regular police on request of Board of Park Commissioners.

95. The Board of Police Commissioners of Baltimore City is directed at the request of the Board of Park Commissioners to detail from time to time such of the regular police force of said City as the said Board of Park Commissioners may deem necessary for the preservation of order within said parks and squares, according to the regulations aforesaid, which policemen shall be under the direction of said Board of Park Commissioners, and shall have the same power in said parks and squares that the Police of the City of Baltimore have as conservators of the peace in Baltimore City or elsewhere.

Upshur v. Baltimore City, 94 Md. 743.

1876, ch. 344. P. L. L., (1888) Art. 4, Sec. 712.

Zoological collections to be formed. Powers in relation thereto.

96. In addition to the powers now or hereafter conferred upon the Board of Park Commissioners, it is authorized to form zoological collections within the limits of said parks or squares by the purchase and collection of live, wild or other animals, for the purpose of public exhibition

for the instruction and recreation of the people, with power to make contracts in regard thereto; and shall be capable at law to hold, in the name of the Mayor and City Council of Baltimore, and at pleasure to dispose of gifts, devises and other property for use of said collections.

1876, ch. 344. P. L. L., (1888) Art. 4, Sec. 717. 1900, ch. 109.

97. The said Board of Park Commissioners shall have full power to employ and compensate all persons, whom, in its judgment, it may deem proper, in maintaining and supporting such parks, squares, springs and monuments, or any other buildings, collection, garden or reservation provided for in this Article. The distribution of the Park fund for the maintenance of the different parks and squares shall be made by the Park Commissioners; provided, nothing contained in this section or elsewhere in this Article shall be taken or construed to exempt the said Board of Park Commissioners from a full compliance with all the requirements of Section 36 of this Article, and the said Board of Park Commissioners shall spend no part of said park fund unless such expenditure is authorized and included in the annual ordinance of estimates; and provided further, the Board of Park Commissioners who go into office on the first day of March, in the year 1900, shall make such report to the Board of Estimates as soon thereafter as possible, which report shall include all expenditures to be made by said Board of Park Commissioners for the remainder of the current fiscal year, and the Board of Estimates shall prepare and submit to the City Council a supplemental ordinance of estimates, to include the amount which the said Board of Estimates may deem proper to be spent by said Board of Park Commissioners for the remainder of said current fiscal year.

Full power to employ persons necessary to preserve parks, etc., in its judgment.

Park Fund.

The requirements of section 36 of this Article to apply to said Board.

Proviso relating to Board entering office in 1900.

1886, ch. 354. P. L. L., (1888) Art 4, Sec. 719.

98. The night watchman employed by the Board of Park Commissioners shall have, while on duty, the same power that police in said City have as conservators of the peace.

Night watchmen.

Department of Education.

1906, ch. 107.

99. There shall be a Department of Education of the Mayor and City Council of Baltimore. The head of said department shall consist of a Board of School Commissioners composed of nine persons, who shall serve without pay, and who shall be appointed by the Mayor in the mode prescribed in section 25 of this Article, and removable as therein provided. One of said Commissioners shall be President of said Board and so designated by the Mayor when appointed. Their term of office shall be six years, three of them to retire at the end of every two years. The Board first appointed shall determine by lot their term of office, so as to provide for the retirement in the succeeding two and four years of three of their number. The members of said Board shall be residents of the City of Baltimore for at least one year, citizens of the State of Maryland for at least five years prior to their appointment. The members of said Board shall be chosen by the Mayor from among those he deems most capable of promoting the interest of public education by reason of their intelligence, character, education or business habits. In the selection of members of said Board and in their action in the administration of the public schools, ecclesiastical and party ties shall not be regarded, so that the public schools may be entirely out of the field of political and religious differences and controversies. The said Board shall confirm or reject all nominations of teachers made to it, as hereinafter provided by the Superintendent of Public Instruction and his assistants. It shall not confirm the appointment of any teacher whose name does not appear upon the graded list, hereinafter provided for. All officers, secretaries, clerks and employees shall be appointed by said Board, and may be removed by it at pleasure, and any teacher may be removed by said Board on the recommendation of the Superintendent of Public Instruction after charges preferred and trial had. The salary of all officers, teachers, secretaries, clerks and employees shall be fixed by said Board, not to exceed in the aggregate the

Board of School
Commission-
ers; appoint-
ment; its
president.

Members of
Board; quali-
fications.

Teachers.

Appointment
and removal
of subordi-
nates and
teachers;
their salaries.

amount appropriated by ordinance. Whenever the construction of a new schoolhouse or the enlargement and repairs of an old schoolhouse is authorized, the instructions of the Board of School Commissioners shall be regarded by the Inspector of Buildings in the preparation of his plans, and no plans shall be finally adopted without the concurrence of said Board. All text-books, stationery and furniture required for the public schools shall be purchased by the said Board, subject to the provisions of Sections 14 and 15 of this Article.*

Schoolhouses.

Purchase of text-books, stationery and furniture for public schools.

100. The said Board shall appoint the principal, professors, tutors and instructors of the City College, the principals, tutors and instructors of the Polytechnic Institutes, and of the High Schools. It shall also appoint a Superintendent of Public Instruction and one or more Assistant Superintendents of Public Instruction, one of whom shall be the First Assistant, and shall act as Superintendent of Public Instruction if that officer is disabled. The said Superintendents shall all be persons of education and experience in the management of schools, and they shall not be less than twenty-five years of age, at the time of their appointment, and shall discharge the duties herein prescribed and such other duties as the said Board may direct. In order to secure the continuance of local interest in and oversight of the public schools, there shall be appointed annually by said Board such number of unpaid School Visitors as may be found requisite. One or more of these visitors shall be assigned to every school, and every visitor so assigned shall be a resident or engaged in business within half mile of the school to which he or she is assigned, so that the parents and inhabitants of every neighborhood may have easy access to an official of the public schools. The said visitors shall perform the duties hereinafter prescribed, and such other duties as the said Board may direct. The said Board may also appoint a supervisor of the heating, plumbing and

To appoint certain school officers.

Superintendent of Public Instruction and Assistant Superintendents.

School Visitors; duties.

*NOTE.—In reference to powers of Board of School Commissioners, see: *School Commrs. of Balto. v. State Board of Education*, 26 Md. 512. *Weddle v. Board School Commrs.*, 94 Md. 334.

Supervisor of
School Build-
ings. ventilation of school buildings, to be known as Supervisor of School Buildings, who shall, in addition to the supervision of school buildings in respect to their heating, plumbing and ventilating, perform such other duties as the Board may direct.

Baltimore City *v.* Lyman, 92 Md. 611.

SUPERINTENDENT AND ASSISTANT SUPERINTENDENTS OF PUBLIC INSTRUCTION.

Their duties. **101.** The duties of the Superintendent of Public Instruction and Assistant Superintendents of Public Instruction shall include the examination of teachers and their nomination to the Board of School Commissioners for appointment or promotion, and the supervision of schools, and the study and suggestion of methods by which the public school system of the City of Baltimore may be maintained and improved. They shall hold regular meetings as a Board of Superintendents of Public Instruction and keep a record of the same, which shall be submitted to the Board of School Commissioners. For the work of supervision and examination, standing committees shall be designated by the Superintendent of Public Instruction annually. Of every such committee, the Superintendent of Public Instruction or the First Assistant Superintendent of Public Instruction, or both, shall be members *ex officio*, and the number of additional members shall be determined from time to time, as circumstances may require. Every school shall be visited at frequent intervals by the Superintendent of Public Instruction or one of the Assistant Superintendents of Public Instruction, and written reports on its condition shall be filed in the office of the Superintendent of Public Instruction, with such recommendations as circumstances may call for. It shall be the duty of the Superintendent of Public Instruction and his Assistants, to devote their services exclusively to the public schools under such regulations as the Board of School Commissioners may prescribe. It shall be the duties of the said Superintendent of Public Instruction, with the aid of the Supervisor of School Buildings, to ascertain the sanitary

Standing com-
mittees.

To visit
schools.

condition of every school, and to report to the proper authorities what repairs or improvements are necessary. It shall be the duty of the Superintendent of Public Instruction and his Assistants, as examiners, to ascertain, by appropriate committees, appointed as hereinbefore provided, the training, knowledge, aptness for teaching, and character of every future candidate for the place of a teacher, and to report to the Board of School Commissioners graded lists of those whom they deem qualified for appointment, from which graded lists all nominations of teachers shall be made by the Superintendent of Public Instruction and his Assistants to the Board of School Commissioners. All such nominations of teachers shall be made in the order in which the names of the nominees appear upon such graded lists. In the preparation of these graded lists, the Superintendent of Public Instruction and his Assistants shall ascertain by competitive examinations the relative qualifications of those candidates who desire appointment, and shall place the names of the accepted candidates upon said graded lists in the order of their relative qualifications, so ascertained by such competitive examination. It shall be their duty to advise the Board of School Commissioners whenever called upon, or whenever they think it important, in respect to the course of studies, text-books or methods of instruction. Whenever the Superintendent of Public Instruction and his Assistants are in doubt what course to pursue, they shall ask instructions from the Board of School Commissioners, to whom they may present a majority and minority report, and the decision of the Board of School Commissioners shall be final. The Superintendent of Public Instruction and his Assistants shall perform such other duties as may be prescribed by order of the Board of School Commissioners not inconsistent with this Article.

Candidates for teaching to be examined and graded lists prepared.

Nominations.

Advisory duties.

Board to instruct.

Baltimore City v. Lyman, 92 Md. 591.

102. It shall be the duty of School Visitors, hereinbefore provided for, to visit the schools to which they are assigned, and to report upon their condition at least once in every quarter, and oftener if they think it desirable.

School visitors to make reports; meetings of.

In case of an emergency requiring attention, they shall immediately notify the Superintendent of Public Instruction. The said School Visitors may be called together by the Board of School Commissioners or the Superintendent of Public Instruction whenever the interests of the schools require it, or whenever it is thought important for the office of a visitor to be defined, the organization of the school system to be considered and the characteristics of a good school to be clearly stated to them. They shall perform such other duties as the Board of School Commissioners may prescribe, not inconsistent with this Article.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

Organization of
Department.

103. There shall be a Department of Charities and Corrections of the Mayor and City Council of Baltimore, which shall consist of the Supervisors of City Charities and the Visitors to the City Jail. The head of the Department of Charities and Corrections shall be a Board of Charities and Corrections composed of the President and one other of the Supervisors of City Charities, the President and one other of the Visitors to the City Jail, and the Mayor *ex officio*. The Supervisors of City Charities and the Visitors to the City Jail shall each designate their representative member. The President of the Supervisors of City Charities shall be President of the Board of Charities and Corrections. This Board shall be for consultation and advice, but it shall have no power to direct or control the duties or work of any sub-department under this department. It shall perform such other duties as may be required of it by ordinances not inconsistent with this Article.

Supervisors of
City Charities and
Visitors to the
City Jail to
compose De-
partment.

SUPERVISORS OF CITY CHARITIES.

To be head of
first sub-de-
partment; ap-
pointment of
Board.

104. The Supervisors of City Charities shall be the first sub-department of Charities and Corrections, and the head of this sub-department shall be a board composed of nine persons, appointed by the Mayor as provided in section 25 of this Article, who shall be removable as therein provided. Their term of office shall be for six years, three of them

to retire at the end of every two years ; except that the Supervisors first appointed shall determine by lot their terms of office, so as to provide for the termination of the term of three Supervisors each at the end of the first two and four years. The said Supervisors shall have been citizens of Maryland for at least five years, and residents of the City of Baltimore for at least one year prior to their nomination. The Mayor, in the appointment of said Supervisors, shall designate one of their number as President, and the Supervisor shall elect a Secretary, who shall be paid a salary of one thousand five hundred dollars per annum, payable monthly, and shall discharge such duties as the Supervisors shall prescribe. The said Supervisors shall serve without pay. They shall be appointed by the Mayor from among those whom he deems, by reason of their intelligence, experience and character, to be most capable of caring for the poor, economically, intelligently and humanely. In the selection of said Supervisors and in their action, in matters relating to the duties imposed upon them by law or ordinance, ecclesiastical or party ties shall not be regarded, so that the care of the poor may be entirely out of the field of political or religious differences and controversies. The duty of said supervisors shall be to determine what sick, insane or other destitute persons are proper charges on the City, and to provide for the proper care of such persons, in so far as money may be appropriated for that purpose by the City. The supervisors shall have the power to appoint and fix the compensation of such officials and subordinate employees as they may deem necessary for the proper conduct of the business entrusted to them, not to exceed in number of employees or aggregate amount in compensation the limit fixed by ordinance. The Supervisors shall report annually to the City upon all departments of their work, including the work of those institutions with which the City has contracted for the care of any poor persons, and they shall perform all the duties heretofore performed by the Trustees of the Poor unless otherwise provided in this Article.

President.

Qualifications
of Supervi-
sors.

Their duties.

Powers in rela-
tion to ap-
pointment
and compen-
sation of sub-
ordinates.

Annual report.

Appropriations
for treat-
ment, care or
support of in-
digent poor
by institu-
tions, etc., to
be by con-
tract, per
capita.

105. All appropriations by the Mayor and City Council of Baltimore for the treatment, care or support of the indigent poor in institutions not owned by the City, or for dispensary treatment shall be by contract, in which the city shall agree to pay so much per capita for persons placed, treated or prescribed for in such institutions or dispensaries so contracting with the City, and in no case shall a gross sum be paid to any such institution or dispensary. Every such contract shall contain a stipulation that the City shall incur no obligation therefrom for any amount not provided for or in excess of the appropriation made for the fiscal year in carrying out such contract. No public moneys shall be paid to any institution or dispensary for the treatment, care or support of any person until the said Supervisors have determined and certified in writing that such person is a proper subject of municipal aid.*

No appropria-
tion for main-
tenance out-
side of Alms-
house, except
as provided
herein.

106. No appropriation shall be made or money expended for the maintenance, outside of the Almshouse or other City home, of any adult poor person or persons, except the sick, insane or other special classes requiring special treatment, or homeless persons requiring temporary care only ; *provided*, the City has adequate accommodations at the Almshouse or other City home. All poor persons who, in the judgment of said Supervisors, require special care or treatment outside of a City institution, may be placed by said Supervisors in any institution or institutions with which the City has contracted for such care or treatment, which they, in the exercise of their judgment, after careful inspection and inquiry, shall deem best fitted to give the necessary care and treatment.**

*NOTE.—In connection with appropriations by the Mayor and City Council of Baltimore for treatment, care or support of indigent poor, in institutions not owned by the city, *see*,

St. Mary's Indus. School *v.* Brown, 45 Md. 334.

**NOTE.—In connection with section 106, *see* provisions of Act 1906, chapter 32 which re-enacts Article 4 of the Public General Laws of Maryland.

107. The Mayor and City Council of Baltimore, through the said Supervisors, shall have care and supervision over such children as shall be committed to or placed in those institutions with which the City may have contracted and as shall have been duly accepted by said Supervisors as proper charges on the City. Said Supervisors shall have power to remove any child from any such institution to which he or she has been committed or placed, and to place said child in any other such institution, when it is apparent to the Supervisors that from improper treatment or for other good cause, the welfare of the child requires such removal. No such child shall be discharged from the institution to which he or she shall have been committed or placed (unless by direction of a court of competent jurisdiction), or be transferred to any other institution, or to the care of any individual, without the approval and consent of the said Supervisors. It shall be the duty of the Supervisors, as far as is practicable, to place all destitute or neglected children who are under their care or in their charge, in some institution or home for children, or, without payment of board in some respectable family in the State of Maryland, and to have the children visited, and their circumstances carefully examined at least once in every six months by one of the Supervisors or by a skilled agent or agents appointed by them for the purpose. On the preliminary question of the commitment of any destitute or neglected child, said Supervisors, or their agent, shall be summoned by the committing officer and heard as to whether the parent or guardian of the child to be committed is entitled to the aid of the City, and if on return of the summons of the said Supervisors, or their agent, further time is required by them, or him, to make inquiry as to the pecuniary ability of said parent or guardian further time, not exceeding twenty-four hours, shall be given. The wish and request of the parent or guardian as to the place of commitment shall be respected, unless good cause to the contrary be shown by the Supervisors. The Supervisors of City Charities shall have power to place foundlings in any proper institution with which the City has a contract.

The Supervisors shall have care of poor of City.

Their powers in relation to destitute or neglected children.

Commitments to institutions.

Foundlings.

P. L. L., (1860) Art. 4, Sec. 42. P. L. L., (1888) Art. 4, Sec. 39.

Who may be
admitted into
Almshouse.

108. The Supervisors may admit into the Almshouse and receive under their care, in addition to those paupers which the laws of this State authorize and require, such indigent or distressed persons as in their opinion the dictates of humanity or particular circumstances render proper or necessary. In cases of emergency any Supervisor may direct the admission of any destitute, indigent or distressed person to the Almshouse.

P. L. L., (1860) Art. 4, Sec. 43. P. L. L., (1888) Art. 4, Sec. 40.

Support, treat-
ment and em-
ployment of
paupers.

109. The Supervisors shall prescribe, provide for, and direct all matters relating to the support, treatment and employment of all paupers, vagrants and other persons in the Almshouse, or any other place under their care and charge.

P. L. L., (1860) Art. 4, Sec. 44. P. L. L., (1888) Art. 4, Sec. 41.

Supervisors
may procure
necessary
machinery.

110. The Supervisors shall procure, or erect and use all such machinery, materials and implements as they shall think proper or necessary for any purpose connected with their duties or the exercise of the powers vested in them.

P. L. L., (1860) Art. 4, Sec. 57. P. L. L., (1888) Art. 4, Sec. 53.

Meetings of
Supervisors.

111. The Supervisors shall meet at the Almshouse five times in the year, to wit; in the first week of February, April, June, October and December, or oftener, if they shall deem it necessary; and shall make by a majority of votes of such as may be present, all such good and wholesome rules and by-laws as they may think necessary and convenient for the maintenance and employment of the inmates of said Almshouse.

P. L. L., (1860) Art. 4, Sec. 58. 1862, ch. 279.

P. L. L., (1888) Art. 4, Sec. 54.

Correction of
disorderly
paupers.

112. Upon complaint made to the Supervisors by the Superintendent of said Almshouse, and due proof thereof, that any pauper in said Almshouse has behaved [in a disorderly manner, or has neglected to obey and keep any of

the rules and by-laws, the Supervisors may order and direct such moderate and proper correction for any such offence as the nature of the case may require.

SUPERINTENDENT OF ALMSHOUSE.

P. L. L., (1860) Art. 4, Secs. 49, 51. P. L. L., (1888) Art. 4, Secs. 46, 47.

113. The Supervisors shall meet at the Almshouse on the first Monday of April, yearly, and appoint a Superintendent of said Almshouse, who shall receive a salary of one thousand six hundred dollars per annum, payable monthly. They shall require such superintendent to enter into bond with sufficient security, payable to the Mayor and City Council of Baltimore, in the penalty of five hundred dollars, for the faithful performance of the duties of his office.

Superinten-
dent, ap-
pointment of.

Bond of.

P. L. L., (1860) Art. 4, Sec. 52. P. L. L., (1888) Art. 4, Sec. 48.

114. In Addition to such other duties as the Supervisors may prescribe, the Superintendent shall keep a regular list of all poor, beggars vagrants, vagabonds and offenders who shall be committed to said Almshouse, and also regulate accounts, in writing, of all materials and other things which may come to his hands, and of all expenses and charges attending their maintenance and support, and of all moneys received by him for the sale of the produce of their labor, and otherwise, as Superintendent, and shall lay the same before the Supervisors annually and whenever required.

Duties of.

Purveyor of Provisions.

P. L. L., (1860) Art. 4, Sec. 46. P. L. L., (1888) Art. 4, Sec. 43.

115. The Supervisors may appoint a Purveyor of Provisions to said Almshouse, and fix his salary at a sum not to exceed fifteen hundred dollars per annum. It shall be the duty of said Purveyor to provide and furnish provisions to said Almshouse under the directions of said Supervisors, to whom he shall annually return a statement or account of his receipts and expenditures, to be examined and passed at their discretion.

Appointment
and duties of.

P. L. L., (1860) Art. 4, Sec. 47. P. L. L., (1888) Art. 4, Sec. 44.

Bond of.

116. The Supervisors shall require the said Purveyor to give bond and security to be approved by them, and in such penalty as they shall direct, conditioned for the faithful performance of the trusts reposed in him, and upon failure to comply with the conditions thereof, they may direct said bonds to be put in suit, and any sum of money recovered in such suits shall be applied to the use of said Almshouse.

Offenders excepted from foregoing provisions.

117. None of the foregoing provisions in sections 104 to 116 inclusive, shall apply to offenders, juvenile or adult.

VISITORS OF THE JAIL.

1826, ch. 224. 1831, ch. 58. 1868, ch. 3. P. L. L., (1888) Art. 4, Sec. 535.

Appointment.

118. The Visitors of the Jail shall be the second sub-department of Charities and Corrections, and the head of this sub-department shall be a board consisting of nine persons, appointed by the Mayor in the manner prescribed in section 25 of this Article, who shall hold their offices as therein provided. They shall serve without pay. One of their number shall be designated by the Mayor, who shall be President of said Visitors, and the said Visitors shall elect from their number a Secretary. The Visitors to the Jail shall have charge and control, supervision and regulation, of the Baltimore City Jail and all reformatory, criminal and penal institutions belonging to the City. They shall also have supervision over those persons committed to the criminal, penal and reformatory institutions with which the Mayor and City Council of Baltimore have contracts. The Visitors to the Jail shall have the power to pass rules and regulations for their own government and for the government of the Baltimore City Jail and the aforesaid institutions belonging to the City, not inconsistent with this Article, and shall perform such other duties as may be required of them by ordinances not inconsistent with this Article.

Duties; to have charge of reformatory, criminal and penal institutions.

Field v. Malster, 88 Md. 691. Beasley v. Ridout, 94 Md. 675. (This case construes Acts of Assembly relating to Visitors of the Jail.)

P. L. L., (1860) Art. 4, Sec. 574. P. L. L., (1888) Art. 4, Sec. 541.

119. The said Visitors shall meet on the first Tuesday of every month or at such other times as they may direct; special meetings may be called at any time by the President, or any two members, on giving three days' notice in writing to the members. Meetings of Board.

1831, ch. 58. P. L. L., (1860) Art. 4, Sec. 575.

P. L. L., (1888) Art. 4, Sec. 542.

120. The said Visitors shall have full power and authority, as often as they may deem it necessary, to visit the jail and the prisoners confined therein; to make by-laws for the internal police and good government thereof, and for the preservation of the buildings and other property. Powers of Board.

1898, ch. 412.

§120a. Whenever the Board of Visitors of the Baltimore City Jail may deem it necessary, they shall have full power to summon the State Lunacy Commission to examine and pass upon the mental condition of the convicts, and if the convict or convicts so examined be adjudged insane or lunatic by said commission, or a majority thereof, and removal be deemed advisable, said commission shall make a complaint to the judge of the Criminal Court of the City of Baltimore, who shall have the power to order the removal of such insane or lunatic convict or convicts to the Bay View Asylum for treatment. To examine in-
to mental
condition of
convicts.

P. L. L., (1860) Art. 4, Sec. 576. P. L. L., (1888) Art. 4, Sec. 543.

121. The said Visitors shall regulate and provide the diet of the prisoners, procure necessary bedding and clothing for their use; make such repairs, alterations and improvements in and about the jail as they may deem necessary, and provide medicine and attendance for such of the prisoners as are sick. To supervise
care of pris-
oners in City
Jail.

1884, ch. 368. P. L. L., (1888) Art. 4, Sec. 544.

122. All persons confined in Baltimore City Jail, under sentence of the Criminal Court of Baltimore, for offences punishable by confinement therein, or committed by any Convicts to
labor.

Judge, Court, Justice of the Peace, or other lawful authority having jurisdiction to commit such person to said jail, either as a punishment for the violation of any law or ordinance, or under or by virtue of any law or ordinance, or for failure to pay any fine or costs imposed upon such person by any such Judge, Court, Justice of the Peace or other lawful authority, shall be kept by the Visitors to the Jail at hard labor in some useful employment. The said Visitors to the Jail shall frame such regulations as shall be necessary to the industry, quiet and discipline of such persons, and shall have them kept separate from persons in confinement awaiting trial, or for other causes.

P. L. L., (1860) Art. 4, Sec. 578. P. L. L., (1888) Art. 4, Sec. 545.

Vagrants to
work.

123. The said Visitors shall also require all vagrants confined in said jail to work and labor about the premises.

P. L. L., (1860) Art. 4, Sec. 579. P. L. L., (1888) Art. 4, Sec. 546.

Other prison-
ers to work,
when.

124. The said Visitors may, with their consent, employ other persons confined therein in such work and labor in and about the premises as may be consistent with their safe-keeping, and shall keep an account of the earnings of such persons, and shall, upon their discharge, allow them two-thirds of the net proceeds thereof, to be ascertained by the Visitors.**

P. L. L., (1860) Art. 4, Sec. 580. P. L. L., (1888) Art. 4, Sec. 547.

Book of ac-
counts to be
kept.

125. The said Visitors shall keep regular books of accounts, in which the whole expenses of the jail, whether for supplies, salaries of officers, repairs or incidentals, shall be distinctly stated.

**NOTE.—Section 1 of the Act of 1906, ch. 71, reads as follows:

"Be it enacted by the General Assembly of Maryland that the Visitors of the Jail in Baltimore City, be and they are hereby unconditionally authorized and empowered to contract, upon such terms as to price or otherwise as they may deem expedient or proper, with any person or corporation, in their discretion, for the erection at the Baltimore City Jail of a workshop for its uses; provided that the cost of erecting said workshop shall be paid for by the hire to the contractor, as now authorized by law, and as fixed in amount or otherwise by the said visitors, in their discretion, of inmates of said Jail."

Warden of Jail.

1826, ch. 224. 1831, ch. 58. P. L. L., (1860) Art. 4, Sec. 581.

P. L. L., (1888) Art. 4, Sec. 548.

126. The said Visitors shall appoint a fit person as Appointment.
 Warden of the Baltimore City Jail. They shall allow the
 said Warden and his assistants and other employees and
 servants such compensation as in their judgment is proper, His subordi-
 nates.
 not to exceed in the aggregate the amount appropriated by
 ordinance. The said Visitors shall at their will and pleas-
 ure remove the said Warden.

P. L. L., (1860) Art. 4, Sec. 581. P. L. L., (1888) Art. 4, Sec. 548.

127. It shall be the duty of the Warden of the Balti- His duties: re-
 sponsibility
 for escape of
 prisoners.
 more City Jail to take charge of the prison and prisoners
 therein, and exercise, during his continuance in office, the
 same powers, and be subject to the same forfeitures, and
 be responsible for escapes in the same manner, and to the
 same extent, as sheriffs of the respective counties, and he
 shall perform such other duties as shall be required of him
 by said Visitors.

1826, ch. 224. 1831, ch. 58. P. L. L., (1860) Art. 4, Sec. 583.

P. L. L., (1888) Art. 4, Sec. 550.

128. The said Warden, before he enters upon the His Bond.
 duties of his office shall give bond to the State with good
 security to be approved by the Visitors, in the penalty of
 ten thousand dollars, conditioned for the faithful perform-
 ance of his duty as Warden, and for the safe-keeping of
 all such persons as shall be committed by legal authority
 to the Baltimore City Jail, which bond shall be filed with
 the Comptroller.

1831, ch. 58. P. L. L., (1860) Art. 4, Sec. 584. P. L. L., (1888)

Art. 4, Sec. 551.

129. The said Warden shall also take and subscribe an Oath.
 oath that he will duly and faithfully execute the duties
 and trusts, and exercise the powers committed to and
 vested in him as Warden of the Baltimore City Jail.

1826, ch. 224. P. L. L., (1860) Art. 4, Sec. 585. P. L. L., (1888)
Art. 4, Sec. 552.

Assistants to
Warden.

130. The Visitors shall prescribe the number and duties of the assistants who may be necessary to be employed by said Warden, but the Warden shall have the appointment and removal of such assistants, subject to the approval of the Visitors, and shall fix their compensation, not to exceed in the aggregate the amount appropriated by ordinance.

Duties, ap-
pointment,
compensa-
tion.

1826, ch. 224. P. L. L., (1860) Art. 4, Sec. 586. P. L. L., (1888)
Art. 4, Sec. 553.

Commitments.

131. All commitments of prisoners to the Baltimore City Jail shall be directed to the Warden of said jail, whose duty it shall be to receive the prisoners from the officers having them in charge.

1826, ch. 224. 1831, ch. 58. P. L. L., (1860) Art. 4, Sec. 587.
P. L. L., (1888) Art. 4, Sec. 554.

Conducting
prisoners to
court.

132. The Warden shall conduct all prisoners in his custody to and from the courts, when the said courts shall direct him to do so.

1831, ch. 58. P. L. L., (1860) Art. 4, Sec. 588. P. L. L., (1888)
Art. 4, Sec. 555.

To account for
jail fees.

133. The Warden shall account with the Visitors for all sums of money which he may collect from any source connected with the institution.

1831, ch. 58. P. L. L., (1860) Art. 4, Sec. 591. P. L. L., (1888)
Art. 4, Sec. 558.

Annual state-
ment of Visit-
ors.

134. The Visitors shall annually, during the month of January, make out and lay before the Mayor and City Council of Baltimore a full statement of all the public money received by them from the City Register or from any other source, and the manner in which it has been expended.

P. L. L., (1860) Art. 4, Secs. 592, 593. P. L. L., (1888) Art. 4 Secs. 559, 560.

No liquor to be
brought
within jail.

135. No spirituous or malt liquors shall be disposed of, sold or given away within said jail, and any employee or

servant of said jail disposing of, selling or giving away, or being concerned with others in the disposal, selling or giving away of any spirituous or malt liquors as aforesaid to any person coming to said jail on a visit, or to any prisoner confined therein, or to any other person, except by order of the attending physician, shall forfeit and pay the sum of one hundred dollars, to be recovered by indictment, one-half to go to the informer, and the other half to be applied to the use of the City. ^{Penalty.}

P. L. L., (1860) Art. 4, Secs. 595, 596. P. L. L., (1888) Art. 4, Secs. 561, 562.

136. If the Warden or his Assistants, or any employee or servant of said jail, shall introduce any such spirituous or malt liquors, or suffer them to be introduced as aforesaid, knowing it to be contrary to law; or shall permit any person (with the exception of the attorney of a person confined in said prison) to enter said jail without license, as herein provided, each and every one of them so offending shall be suspended from his office and be incapable of holding any office or charge within said prison for the space of one year thereafter. ^{Penalty against Warden.}

P. L. L., (1860) Art. 4, Sec. 594. P. L. L., (1888) Art. 4, Sec. 563.

137. No person, except the attorney of a prisoner, shall be permitted to visit a prisoner within said jail or lot, unless by special license from the Warden, or some Judge, or other person legally authorized to give the same. ^{Visits to prisoners.}

P. L. L., (1860) Art. 4, Sec. 598. P. L. L., (1888) Art. 4, Secs. 564, 565.

138. All persons hereafter sentenced to be imprisoned in said jail for offences by the Criminal Court of Baltimore shall be kept on prison fare, and not be allowed any other food or drink, unless by the written direction of the physician of the jail. ^{Prison fare.}

CONVICTS.

1880, ch. 4. P. L. L., (1888) Art. 4, Sec. 568.

139. All persons who shall hereafter be convicted of any offense punishable by confinement in said Baltimore

Reduction of sentence for good behavior.

City Jail, and confined in said Jail under a sentence for a longer period than two calendar months, shall each have a deduction from their several terms of sentence of five days for each and every calendar month during which no charge of misconduct shall have been sustained against them, and they shall be discharged at the expiration of their respective terms of sentence, less the time so deducted, and a certificate of the Warden of said jail of such deduction shall be entered on the warrant of commitment; *provided*, that if, during the term of imprisonment, the prisoner shall commit any act of insubordination or other violation of discipline, the Visitors to the Jail may, at their discretion, reduce and annul entirely such deductions.

P. L. L., (1860) Art. 4, Sec. 159. P. L. L., (1888) Art. 4, Sec. 569.

Separate confinement.

140. All persons confined in said jail under the provisions of the preceding section shall be kept separate from such persons as are in confinement for offenses other than those referred to in the preceding section, or who may be awaiting trial.

VAGRANTS.

1862, ch. 8. P. L. L., (1888) Art. 4, Sec. 570.

List of, committed by Justices of the Peace.

141. The Warden of the Baltimore City Jail shall prepare and send to the Judge of the Criminal Court of Baltimore, on each and every Saturday, a full and complete list of the names of all persons who are committed to his custody by the Justices of the Peace of said City, either as vagrants or in default of security to keep the peace; and the Judge of the said Court shall have full power to review the said commitments; and upon examination of the various cases so reported to him by the Warden of the Jail as aforesaid, he shall discharge or recommit the said parties for a term not to exceed six months, as in his discretion may be most conducive to the preservation of public peace and order. The Justices of the Peace of the City of Baltimore are prohibited from charging costs in the cases above named, unless the parties are recommitted by order of the Judge of said Court.

Costs.

1880, ch. 51. P. L. L., (1888) Art. 4, Sec. 571.

142. When any person arrested in the City of Baltimore shall be held in custody until such person can give security to keep the peace, or shall be committed to jail or the House of Correction in default of such security, such person shall be chargeable with and shall pay all costs prescribed by the laws of this State for such arrest, commitment, or giving security to keep the peace, and in default of the payment thereof shall be committed to jail until such costs and the costs of his release shall be paid, or until thence discharged by due course of law; and said costs shall be accounted for and paid over by said respective Justices of the Peace so sitting at the respective station houses in the manner in which all costs paid to such Justices of the Peace so respectively sitting at such station houses in the City of Baltimore, are now or may hereafter be required by law to be accounted for and paid over.

Costs chargeable to persons committed for want of security to keep peace.

Costs, how accounted for.

1886, ch. 373. P. L. L., (1888) Art. 4, Sec. 572.

143. Whenever any person has been committed to the Baltimore City Jail on the charge of drunkenness or disorderly conduct, and he is deemed by the physician in charge of said jail a proper subject for the Almshouse, the Visitors to the Jail shall have power to transfer said person to said Almshouse.

Transfers to Almshouse.

1886, ch. 373. P. L. L., (1888) Art. 4, Sec. 573.

144. Whenever any person has been committed to the Baltimore City Jail on the charge of drunkenness or disorderly conduct who is affected with any form of disease that in the judgment of the physician of said jail would require a longer time than the term of sentence to cure, or in any case where the accommodation, comfort, care and nursing cannot be furnished by the said jail, or in case of any person who may be insane at the time of committal, or become insane during the term for which committed, the said Visitors to the Jail shall have the power to release and send such person to his or her home, or to some infirmary, hospital or to the Almshouse, where provision

Prisoners affected by disease or becoming insane.

has been made by the City of Baltimore for the reception of such cases.

M. & C. C. of Baltimore *v* Keeley Institute, 81 Md. 106.

DEPARTMENT OF REVIEW AND ASSESSMENT.

Composition of
Department.

145. There shall be a Department of Review and Assessment of the Mayor and City Council of Baltimore, composed of the Appeal Tax Court and the Commissioners for Opening Streets. The head of this department shall be the Board of Review and Assessment, to consist of the President of the Appeal Tax Court, the President of the Commissioners for Opening Streets, and the Mayor *ex-officio*. The President of the said Court shall be the President of the Board of Review and Assessment. This Board shall be for consultation and advice, but it shall have no power to direct or control either sub-department. It shall perform such duties as may be prescribed by ordinances not inconsistent with this Article.

Its head.

Duties and,
power.

Appeal Tax Court.

1874, ch. 483. 1888, ch. 98, Sec.22.

P. L. L., (1888) Art. 4, Sec. 842.

Members, and
their ap-
pointment.

146. The Appeal Tax Court shall be the first sub-department of Review and Assessment, and its head shall be a bench composed of three members, appointed by the Mayor in the manner prescribed in section 25 of this Article, and removable as therein provided. One of their number shall be President, and shall be so designated when appointed by the Mayor. Their term of office shall be for three years, one member to retire every year; except that the members of the Court first appointed shall determine by lot their terms of office, so as to provide for the termination of the term of one member each at the end of the first and second years. Each member of said Court shall receive a salary of two thousand dollars per annum, payable monthly. The said Court shall appoint a Clerk, who shall receive a salary of one thousand six hundred dollars per annum, payable monthly, and shall perform such duties

Term of office.

Salaries.

as the Court may prescribe. The said Court may also ^{Clerk and employees.} appoint such other employees as the City by ordinance may direct.

Baltimore City *v.* Johnson, 96 Md. 742. Joesting *v.* Baltimore City, 97 Md. 596.

1874, ch. 483. 1888, ch. 98, Sec. 22

P. L. L., (1888) Art. 4, Sec. 842.

147. The said Court shall meet from time to time <sup>To hear ap-
peals, make
transfers and
correct
assessments.</sup> for the purpose of hearing appeals and making transfers and correcting the accounts of assessable property charged to taxpayers, and the assessment thereof. The said Court may also appoint such number of assessors as they may deem necessary in investigating and ascertaining all omitted and taxable property, and assessing and returning the same to the said Court, not to exceed such number as by ordinance may be authorized.†

Robinson *v.* Baltimore, 93 Md. 208.

1841, ch. 23, Sec. 43. 1841, ch. 116. 1847, ch. 266, Sec. 16. P. G. L.,

(1860) Art. 81, Sec. 7. 1874, ch. 483, Sec. 5. P. G. L., (1888)

Art. 81, Sec. 6. 1894, ch. 165. P. G. L., (1904)

Art. 81, Sec. 7.

148. Every assessor provided for in this sub-division of this Article shall annually inform himself, by all lawful means, of all property, real and personal, and stocks or investments in the City, liable to taxation or assessment, and which may have been omitted in the assessment, and all buildings and improvements, and all property created or acquired since the last assessment, and shall value the same at the full cash value thereof, and shall make return <sup>Assessors to
discover and
assess prop-
erty.</sup> thereof to said Court, and for the purposes of this section <sup>To make re-
turn thereof.</sup> the said assessors are hereby clothed with the powers of

*NOTE.—The Appeal Tax Court cannot be required to sit as a Court of review.

Consol. Gas Co. *v.* Baltimore, 101 Md. 541.

†Many of the provisions of this Article relating to assessments have been embodied from Art. 50, City Code (1893).

general assessors, and their valuation shall be subject to revision and correction by said Court.†

*O'Neal *v.* Va. & Md. Bridge Co., 18 Md. 24. Co. Commr's *v.* Union Mining Co., 61 Md. 547. Hopkins *v.* Baker, 78 Md. 363. Hopkins *v.* Van Wyck, 80 Md. 7. *Skinner Dry Dock Co. *v.* Balto. City, 96 Md. 40. *Consol. Gas Co. *v.* Baltimore City, 101 Md. 541.

1841, ch. 266, Sec. 16. P. G. L., (1860) Art. 81, Sec. 8. 1874, ch. 483, Sec. 6. P. G. L., (1888) Art. 81, Sec. 7.
P. G. L., (1904) Art. 81, Sec. 8.

Their compensation.

149. The assessors shall be allowed such compensation for the performance of their duties as the City may by ordinance direct.

1880, ch. 230. P. L. L., (1888) Art. 4, Sec. 843.

Duties of Court before increasing assessments or adding new property.

150. Before increasing the assessment of any property which has been theretofore assessed, or adding any new property not valued and returned to them by the proper assessor, it shall be the duty of the said Court, as the case may be, to notify the owner of such property by written or printed summons, containing such interrogatories in regard to the property as they may require to be answered on oath, and appointing a certain day for such owner to answer such interrogatories, either orally or in writing, and to make such statement, or present such proof as he may desire in the premises ; and such notice shall be served on such owner or left at his place of abode at least five days before the day of hearing appointed in such summons. Such owner may answer the interrogatories contained in such summons, and may appear on such return day and answer the same under oath, orally, before said Court, and may present such testimony as he may desire and said Court may think necessary and proper to be heard. In case such owner, after being summoned, shall fail to answer in writing on oath, or to appear and answer orally such interrogatories, such Court, after such return day has

To notify owner; interrogatories.

Procedure in fixing assessment.

†NOTE.—The life tenant is responsible for taxes.

Stansbury *v.* Nicholl, Daily Record, August 2, 1901.

passed, may proceed to re-value and re-assess said property, or add such new property, according to its best judgment and information in the premises ; but no such re-valuation and re-assessment shall be made by such Court without giving such notice ; *provided*, that nothing in this section shall be construed to apply to the valuation and assessment of new improvements or new property discovered and assessed and returned to the said Court by the proper assessor whose duty it is to assess and return the same. Proviso.

Co. Comm'rs *v.* Union Mining Co., 61 Md. 546. Alleghany Co. *v.* N. Y. Mining Co., 76 Md. 556. Baltimore Co. *v.* Winand, 77 Md. 524. Hopkins *v.* Van Wyck, 80 Md. 15, 17. Myers *v.* Baltimore Co., 83 Md. 393. Balto. C. & A. R. R. Co. *v.* Wicomico Co., 93 Md. 113. Gittings *v.* Mayor, 95 Md. 419. Skinner Dry Dock Co. *v.* Baltimore, 96 Md. 40. Baltimore City *v.* Poole, 97 Md. 70.

1844, ch. 234, Sec. 2. P. G. L., (1860) Art. 81, Sec. 98. 1874, ch. 483.

P. G. L., (1888) Art. 81, Sec. 89. P. L. L., (1888) Art. 4,

Sec. 846. P. G. L., (1904) Art. 81, Sec. 104.

151. The City Register shall on each first day of May, July and September make out and deliver to the said Court a full and accurate list of the holders of all loans of the City, the interest of which is payable on such respective dates.* Lists of Holders of City loans.

*NOTE.—Sec. 160 of Art. 81, Public General Laws, Code 1904, as re-enacted by Act 1906, ch. 467, reads as follows :

160. Any corporation having a capital stock divided into shares and owning as an investment of part of its capital any of the stock debt of this State upon which the State Tax has been deducted by the Treasurer, or of the stock debt of the City of Baltimore on which the State Taxes have been paid or are payable by said City, or shares in any bank or other corporation of this State upon which the State and County or City taxes are levied and paid, or are payable by such bank or other corporation, may report the same in detail under the oath of the President, Cashier, Treasurer or other proper officer to the State Tax Commissioner, and the amount of such stock debt or debts, or the assessed value of such capital stock so owned, and upon which such taxes are paid or payable as aforesaid, shall be allowed as a credit in the settlement of the taxes on the shares of capital stock of such corporation so owning the same; and any corporation not having capital stock divided into shares, and owning as an investment of part of its assets any of the stock debt of this State

1844, ch 234, Sec. 3. P. G. L., (1860) Art. 81, Sec. 99. 1874, ch. 483.
 P. G. L., (1888,) Art. 81, Sec. 90. P. L. L., (1888) Art. 4,
 Sec. 847. P. G. L., (1904) Art. 81, Sec. 105.

Court to ex-
 amine and
 correct lists.

152. The said Court shall in each year carefully examine the said lists and correct the same by striking therefrom all the holders of said stock who may be exempt from taxation on said stock, and shall, on or before the first day of September, annually deliver one copy of the said list, as corrected by them, to the City Register, and one copy thereof to the State Comptroller, setting forth distinctly in said copies the assessed value of the stock mentioned therein.

1844, ch. 234, Sec. 4. P. G. L., (1860,) Art. 81, Sec. 100. 1874, ch. 483,
 Sec. 92. P. G. L., (1888) Art. 81, Sec. 91. P. L. L., (1888)
 Art. 4, Sec. 848. P. G. L., (1904) Art. 81, Sec. 106.

Payment of
 State tax on
 such loans.

153. The City Register shall retain from the interest paid on the several City loans to the holders thereof, included in the said corrected list returned to him by the said Court, the State tax imposed for the current year on such loans by the Code of Public General Laws. He shall make such deductions from the installments of interest payable respectively on the first days of May, July and September, and he shall, as soon as practicable after the first day of September of each year, pay over such State tax to the State Comptroller.

upon which the State tax has been deducted by the Treasurer, or of the stock debt of the City of Baltimore on which the State taxes have been paid or are payable by said City, or shares of the capital stock of any bank or other corporation of this State, upon which the State and County or City taxes are levied and paid, or are payable by such bank or other corporation, may report the same in detail, under the oath of its President, Cashier, Treasurer or other proper officer to the State Tax Commissioner, and the amount, of such stock debt or debts, or the assessed value of such shares of capital stock so owned, and upon which such taxes have been paid or are payable as aforesaid, shall be allowed as a credit in the settlement of the taxes on the assets of such corporation so owning the same; but no credit shall be allowed to any such corporations by reason of any investments on which the taxes are not paid or payable as aforesaid, nor by reason of the ownership by said corporation or corporations of the stock debt of the City of Baltimore that shall be

1844, ch. 234, Sec. 5. P. G. L., (1860) Art. 81, Sec. 101. 1874, ch. 483,
 Sec. 93. P. G. L., (1888) Art. 81, Sec. 92. P. L. L.,
 (1888) Art. 4, Sec. 849. P. G. L., (1904) Art.
 81, Sec. 107.

154. If the City Register shall at any time fail to make out and deliver to the said Court the lists of holders of the said stock loans as herein required, it shall be the duty of the said Court to ascertain in such manner as they may deem most accurate the amount of said stock loans of the City of Baltimore outstanding on the first day of May, July and September in the year in which such failure or refusal shall take place, and on or before the first day of September in said year make and deliver one copy of a statement certified by them, showing the amount of said stock so ascertained by them, and its assessed value, to the City Register, and one copy thereof to the State Comptroller; and the City Register shall thereupon pay the tax aforesaid, which he is in section 153 of this Article directed to deduct from the interest payable on said loans; but the City Register shall not be required to set apart and pay over the said tax on any part of said stock loans which he may satisfy the State Comptroller by a certificate to that effect signed by the said Court, or by other satisfactory evidence, was held on the first day of May, July and September in the year for which the tax may become due, and by any person entitled under the laws of this State to hold the same free from taxation.

Court to make
list when
City Register
fails.

City Register
then to pay
tax.

Exemptions.

hereafter issued under the loans authorized by Chapters 274, 338 and 349 of the Acts of the General Assembly of Maryland for 1904, known as the Annex, Park Extensions and Sewer Loans, respectively, or under any other loans that may be hereafter authorized by the General Assembly of Maryland, provided, however, that a credit shall be allowed to any such corporation by reason of its ownership of Baltimore City Burnt District Loan Stock, issued under Chapter 468 of the Acts of 1904, the Water Loan issued under Chapter 333 of the Acts 1902, and the Conduit Loan issued under Chapter 246 of the Acts of 1902, whether heretofore or hereafter issued; nor shall such credits be allowed in any case where the officer making such return for such corporation shall fail to state in such return that said investments are owned by the corporation of which he is such officer, and are not held by such corporation as a security for any loan, or as a collateral security for any payment, or other purpose.

1844, ch. 234, Sec. 6. P. G. L., (1860) Art. 81, Sec. 102. 1874, ch. 483, Sec. 94. P. G. L., (1888) Art. 81, Sec. 93. P. L. L., (1888) Art. 4, Sec. 850. 1892, ch. 567. P. G. L., 1904, Art. 81, Sec. 108.

Compensation
of Court for
this work.

155. Each member of the said Court shall receive fifty dollars, annually, for the services required in the three preceding sections; and the City Register, the sum of three hundred dollars for the services therein required of him; the said sums to be paid by the Treasurer on the warrant of the State Comptroller in pursuance of Article 81, section 108, of the Code of Public General Laws.

1906, ch. 84. P. G. L., (1904) Art. 81, Sec. 138.

List of stock-
holders to be
furnished by
incorporated
institutions.

§155a. The president or other proper officer of the banks, State and National, and other incorporated institutions in the several counties, the City of Baltimore and other incorporated towns of Maryland, shall annually on or before the first day of March, furnish to the County Commissioners of each County or the Appeal Tax Court of Baltimore City and the City Clerk of each city, town or village incorporated in the State of Maryland, in which any of its stockholders may reside, a list of the said stockholders, so far as their place of residence may be known to such officer, together with the number of shares of stock held by each. Said list shall show the stockholders of such banks and other incorporated institutions as they stand on the first day of January preceding, together with their residences and the number of shares held by each on said date, and the taxable value of such respective shares of stock, ascertained as hereinafter provided, shall for county and municipal purposes be valued to the owners thereof in the manner hereinafter as of the preceding first day of January of each year, and taxes thereon shall be collected for such banks and other incorporated institutions in the manner hereinafter provided as of said first day of January. In case the president or other proper officer of said bank or other corporation fail or refuse to furnish a statement as herein required to the County Commissioners or Appeal Tax Court

What list shall
show.

Assessment of
such stock.

Penalty for
failure to fur-
nish such list.

or City Clerk aforesaid, on or before the day hereinbefore specified for that purpose, then for each day that shall thereafter elapse until the said statement shall be furnished, the said bank or other corporation shall pay to the County Commissioners, or Mayor and City Council of Baltimore, or other municipal corporation, as the case may be, the sum of one hundred dollars, and for the valuation and effectual collection of taxes assessed on the stock of banks or other incorporated institutions, held by non-residents, the president or other proper officer of the corporation shall annually on or before the first day of March make out and deliver to the County Commissioners of the County or the Appeal Tax Court or City Clerk of the municipal corporation where said corporation is situate, an account of the number of shares of stock in such corporation held by persons not residents of this State as of the first day of January preceding, and the same shall be valued at its actual cash value, to and in the name of such stockholders respectively as of said first day of January preceding; but the tax assessed on such stock shall be levied and collected from said corporation, and may be charged to the account of such non-resident stockholders in the said corporation, and shall be a lien on the stocks therein held by such stockholders, respectively, until paid, and in no case shall the stock of any corporation, in the aggregate, be valued at less than the full value of the real estate and chattels, real or personal, held by or belonging to such corporation in the several counties and city of Baltimore, whether the shares of said stock are quoted on the market or not; in case of failure or refusal to comply with this requirement, the said bank or other incorporated institution shall be liable to the penalty hereinbefore prescribed, and the president and cashier or treasurer of any such bank or other incorporated institution failing to comply in every respect with the provisions of this section shall be liable to indictment therefor, and on conviction shall be fined not less than five hundred dollars not more than five thousand dollars, in the discretion of the Court, and shall stand committed until such fine is paid.

List of stock
held by non-
residents.

Collection of
assessments
on such
stock.

Method of valu-
ation.

Penalty.

1843, ch. 208, Sec. 17. 1847, ch. 266, Sec. 15. P. G. L., (1860) Art. 81, Sec. 18. 1874, ch. 483, Sec. 16. P. G. L., (1888) Art. 81, Sec. 17. P. G. L., (1904) Art. 81, Sec. 15.

Inquiry of
Court when
allowance for
alienations is
asked for.

156. Whenever any person shall make application for an allowance or deduction on account of the sale, transfer, alienation, loss or removal of any property, or the collection or payment of any public or private security for money, the said Court shall interrogate him on oath in reference thereto, and the disposal of the same, and especially inquire of him to whom the same has been sold or transferred, and the amount of the purchase money or the money collected, and how the same has been invested.

Skinner & Sons Co. v. Baltimore City, 96 Md. 32.

1847, ch. 266, Sec. 15. P. G. L., (1860) Art. 81, Sec. 19. 1874, ch. 483, Sec. 17. P. G. L., (1888) Art. 81, Sec. 18.
P. G. L., (1904) Art. 81, Sec. 16.

Interrogato-
ries.

157. The said Court shall also interrogate the said person on oath in reference to any acquisitions or investments made by him, and not already assessed, and the amount of all such acquisitions and investments shall be added to his assessable property, and if he refuses to answer, no allowance or deduction shall be made; they shall also have power to summon before them any person whom they may know or be credibly informed has acquired new property, or whose account of taxable property may, in their judgment, require revision and correction, and examine such person on oath touching the same; and any person so summoned, and refusing to appear, and any person refusing to be sworn, or to answer touching said amount or touching his or her property, shall be liable to prosecution therefor, and, upon conviction, shall be fined not exceeding fifty dollars for each offence, to be collected as other fines are collected.

Powers and
procedure of
Court in such
cases.

**Co. Comm'rs v. Winand*, 77 Md. 524. *Hopkins v. Van Wyck*, 80 Md. 15, 17. *Skinner & Sons Co. v. Baltimore*, 96 Md. 32.

1841, ch. 23, Sec. 41. P. G. L., (1860) Art. 81, Sec. 20. 1874,
 ch. 483, Sec. 18. P. G. L., (1888) Art. 81, Sec. 19.
 P. G. L., (1904) Art. 81, Sec. 19.

158. Any person who shall remove to the City of Baltimore from any County or City in which his property has been assessed, and whose personal property has not been assessed in the City of Baltimore, or any person whose property or some part thereof, has not been assessed, shall, when required by said Court, give to said Court a full and particular account of his personal property in the County or City from which he has removed, and of all the personal property in his possession or under his care and management, liable to be assessed, and which before that time shall not have been assessed in the City of Baltimore, and the name of the person to whom it belongs.

Persons removing to City to give account of personal property.

Hopkins v. Van Wyck, 80 Md. 15, 17.

1841, ch. 23, Secs. 14, 41, 42. P. G. L., (1860) Art. 81, Sec. 21.
 1874, ch. 483, Sec. 19. P. G. L., (1888) Art. 81, Sec. 20.
 P. G. L., (1904) Art. 81, Sec. 20.

159. If any person shall, when required by said Court, after ten days' notice, neglect to render the account required in the last preceding section, he shall be fined a sum not exceeding fifty dollars, to be collected as other fines are collected; and the said Court shall, on its own knowledge and on the best information they can obtain value the property of such person to the utmost sum they believe the same to be worth in cash, and on the return of said valuation they shall certify the said refusal or neglect, and the said Court shall assess such person according to the sum so returned, and the same shall be collected as the assessment.

Penalty for neglect.

Court to assess upon its own inquiry.

1843, ch. 208, Sec 18. P. G. L., (1860) Art. 81, Sec. 22. 1874,
 ch. 483, Sec. 20. P. G. L., (1888) Art. 81, Sec. 21.
 P. G. L., (1904) Art. 81, Sec. 21.

160. Whenever any person shall apply to the said Court for allowance or reduction on account of the removal of property from the City of Baltimore to a County or City, the said Court shall ascertain of the party applying to

Duty of Court in cases of removal of personal property elsewhere.

what place within the State the property has been removed, and shall inform the proper authorities of the place to which the property is removed of the fact of such removal.

1841, ch. 23, Sec. 27. P. G. L., (1860) Art. 81, Sec. 24. 1874,
ch. 483, Sec. 22. P. G. L., (1888) Art. 81, Sec. 23.
P. G. L., (1904, Art. 81, Sec. 23.

Clerk of Court
to record ac-
curate ac-
count of
property as-
sessed.

161. The said Court shall direct their clerk to enter and record in a book or books, to be provided for the purpose, an accurate and fair account of all property of every sort within the City of Baltimore, subject to taxation, and the valuation and assessment thereof, and an alphabetical list of the owners thereof, properly arranged, according to the several wards of the City of Baltimore and a correct description and location of the said property so valued and assessed. Any owner of property shall at all times be permitted to inspect the record of his own property contained in said book.

O'Neal v. Virginia & Md. Bridge Co., 18 Md. 24. *Tasker v. Garrett Co.*, 82 Md. 154.

1844, ch. 236, Sec. 19. P. G. L., (1860) Art. 81, Sec. 25. 1874,
ch. 483, Sec. 23. P. G. L., (1888) Art. 81, Sec. 24.
P. G. L., (1904) Art. 81, Sec. 24.

Return of as-
sessments of
property to
be trans-
mitted to
State Com-
ptroller.

162. The Clerk of said Court shall transmit to the State Comptroller annually, within thirty days after the annual levy of taxes for the State, a return of the assessments of property in the City of Baltimore, showing the amount thereof; and for neglecting or refusing to perform this duty the clerk so neglecting or refusing shall be subject to presentment, and upon conviction thereof in the Criminal Court of Baltimore City, to a penalty of one hundred dollars, for the use of the State.

1844, ch. 236, Sec. 20. P. G. L., (1860) Art. 81, Sec. 26. 1874
ch. 483, Sec. 24. P. G. L., (1888) Art. 81, Sec. 25.
P. G. L., (1904) Art. 81, Sec. 25.

State's Attor-
ney to inform
Grand Jury
of failure to
transmit re-
turn.

163. The State's Attorney of the City of Baltimore shall give information of such neglect or refusal to discharge the duties prescribed in the preceding section to the

Grand Jury of the City, upon being advised thereof by the State Comptroller.

164. Repealed by Act 1900, ch. 4.

1900, ch. 347.

164A. The Appeal Tax Court of Baltimore City shall have the power at any time to value and assess all personal property and to revise such valuations and assessments and to revise all valuations and assessments of real property in said City and to lower or increase said assessment of real or personal property and to take steps for the discovery and assessment of all unassessed property of every kind. And it shall be the duty of said Court at least once in every five years to carefully make such general revision of all of the assessable property in said City. Whenever said Court shall propose to alter or change any assessment or make any new assessment they shall, before such assessment is made, give at least five days' notice thereof in writing to the owner of the property to be assessed or reassessed, and if any owner be not found within the limits of said City, then to the person in possession of the property to be assessed or in whose custody the same may be, or if it be land, and no one be in apparent occupancy thereof, then by a notice posted on said land. The said Court in order to make any valuation, assessment, re-valuation or re-assessment shall have power to summon before it any person and to interrogate him in reference to the existence, situation or value of any property liable to assessment by said Court, and any person so summoned and refusing to appear, and any person refusing to be sworn or to answer touching said value, re-valuation or assessment, or touching his or her property, shall be liable to prosecution therefor, and upon conviction, shall be fined not exceeding one hundred dollars, to be collected as other fines are collected*

Power of Court to make original valuations and assessments and to revise valuations and assessments of personal property and to revise valuations and assessments of real property; to discover and assess all unassessed property.

*As to construction of provisions of Sec. 164A, *see*, *Gittings v. Baltimore City*, 95 Md. 425, 427. *Baltimore City v. Johnson*, 96 Md. 737. *Baltimore City v. Poole*, 97 Md. 69. *Joesting v. Baltimore City*, 97 Md. 596.

As to rule laid down in construing similar provisions, *see*: *Hopkins v. Baker*, 78, Md. 363. *Hopkins v. Van Wyck*, 80 Md. 7. *Clark Distilling Co. v. Cumberland*, 95 Md. 468.

1900, ch. 347.

Failure of
Clerk to per-
form his du-
ties.

164B. If any clerk, assessor or employee appointed by the Appeal Tax Court shall neglect to perform the duties required of him by law or by said Court, he shall be liable to be discharged by said Court in its discretion; and if any such clerk, assessor or employee shall receive any consideration or payment designed or intended to influence his conduct or act in the performance or omission of his duties as prescribed by law or by said Court as such clerk, assessor or employee, or shall corruptly do or permit to be done or omit to do any act in discharge of his said duties he shall be liable to immediate dismissal by said Appeal Tax Court, and shall be also liable to indictment therefor, and upon conviction shall be fined not exceeding five hundred dollars for each offense and also to imprisonment in jail or penitentiary for not more than one year, in the discretion of the Court.

Penalty.

P. G. L., (1904) Art. 81, Sec. 9.

Clerks of
Courts to fur-
nish lists of
alienations
and sales to
Appeal Tax
Court.

165. The Clerks of the several courts in the City of Baltimore shall annually, on or before the first day of October, transmit to the said Court a list of all the alienations of property, chancery sales made by trustees and finally ratified, and of all judgments and decrees recorded in their respective offices or rendered in their respective courts since they last furnished a list of the same, which list shall show the property alienated, and the amount due on the judgments or decrees, so as to enable the said Court to assess the parties to whom the property is conveyed or the money due.*

Richardson v. Simpson, 82 Md. 162.

*For decisions relating to taxes on property in *custodia legis*, and in cases of sales of property under decrees, *see*, *Fulton v. Nicholson*, 7 Md. 107. *Mayor, etc. v. Sterling*, 29 Md. 48. *Tuck v. Calvert*, 33 Md. 224. *Gould v. Baltimore*, 58 Md. 52. *Hebb v. Moore*, 66 Md. 170. *Degner v. Baltimore*, 74 Md. 144. *Casualty Insurance Co's. case*, 82 Md. 565. *Cherbonnier v. Bussey*, 92 Md. 420 *et seq.*

1841, ch. 23, Sec. 38. P. G. L., (1860) Art 81, Sec. 13. 1874, ch. 483,
 Sec. 11. P. G. L., (1888) Art. 81, Sec. 12. P. G. L.,
 (1904) Art. 81, Sec. 13.

166. No person shall be chargeable with the assess-^{Alienee to be assessed.}
 ment of property which he may have alienated, but the
 same shall be chargeable to the alienee ; and the said Court
 shall, from time to time, correct the account of any person
 who may have parted with the possession of any property,
 and the same so taken off shall be charged to the person
 who may have acquired possession of the property, unless
 the same shall have been removed from the City.

Co. Commrs. v. Clagett, 31 Md. 210. Parlett v. Dugan, 85 Md. 413.

1841, ch. 23, Sec. 37. P. G. L., (1860) Art. 81, Sec. 14. 1874,
 ch. 483, Sec. 12. P. G. L., (1888) Art 81, Sec. 13.
 P. G. L., (1904) Art. 81, Sec. 14.

167. The said Court is directed to alter and correct the^{Court to alter and correct assessments.}
 account of any person who may have disposed of or
 acquired any property since the last assessment, or whose
 property or any part thereof may have been omitted, if the
 report of such disposition, acquisition or omission be sup-
 plied by satisfactory evidence ; and if real estate or other
 property shall from any cause have increased or decreased
 in value since the last assessment the said Court shall cor-
 rect and alter the assessment of the same, so as to conform
 to its present value.

Alleghany County v. N. Y. Mining Co. 76 Md. 549. Hopkins v.
 Van Wyck, 80 Md. 7. B., C. & A. Ry. Co. v. Wicomico Co., 93 Md. 113.

1847, ch. 266, Sec. 13. P. G. L., (1860) Art. 81, Sec. 10. 1874,
 ch. 483, Sec. 8. P. G. L., (1888) Art. 81, Sec. 9.
 P. G. L., (1904) Art 81, Sec. 10.

168. The Register of Wills of Baltimore City shall^{Register of Wills to re- turn sum- mary account of property held by exe- cutors, etc.}
 annually, on or before the first day of October, return to the
 said Court a summary account of all property that shall ap-
 pear by the records of the Orphans' Court of Baltimore City
 to be in the hands of each executor, administrator, or guar-
 dian as such ; and all such property, if not before assessed,
 shall then be assessed, and every executor, administrator or
 guardian shall be liable to pay the taxes levied thereon,

and shall be allowed therefor by the Orphans' Court in his accounts, and the said Register of Wills, for the duties imposed by this section, shall be allowed such compensation as the said Appeal Tax Court may deem proper. Should the clerk or Register fail to preform the duties imposed by this section, he shall be guilty of a misdemeanor, and shall be liable to indictment, and on conviction shall be fined not exceeding one hundred dollars.

Bonaparte v. State, 63 Md. 473. *Hopkins v. Van Wyck*, 80 Md. 14. *Baldwin v. Washington Co.*, 85 Md. 156. *Baldwin v. State use of Hull*, 89 Md. 590. *Nicodemus v. Hall*, 93 Md. 367.

1847, ch. 266, Sec. 14. P. G. L., (1860) Art. 81, Sec. 11. 1874, ch. 483, Sec. 9. P. G. L., (1888) Art. 81, Sec. 10. P. G. L., (1904) Art. 81, Sec. 11.

Property discovered to be assessed.

169. In all cases where discoveries of assessable property are made by the said Appeal Tax Court, either from the returns of clerks, registers or assessors, or in any other way, the said Court shall assess the same, and add the same to the amount on which taxes are to be levied.

Hopkins v. Van Wyck, 80 Md. 14. *Tasker v. Garrett Co.* 82 Md. 153. *Baldwin v. Wash. Co.*, 85 Md. 156. *Monticello, etc. v. Baltimore City*, 90 Md. 429. *B., C. & A. R. R. v. Wicomico Co.*, 93 Md. 123.

1896, ch. 322. P. G. L., (1888) Art. 81, Sec. 18A. P. G. L., (1904) Art. 81, Sec. 17.

Appeals to City Court for review of assessment.

170. Any person or persons, or corporation assessed for real or personal property in the City of Baltimore and claiming to be aggrieved because of any assessment made by the said Court, or because of its failure to reduce or abate any existing assessment, may by petition appeal to the Baltimore City Court, to review the assessment. The Mayor and City Council of Baltimore may also appeal from any decision of said Court to the Baltimore City Court if it deem the public interests require that the decision of said Court should be reviewed. The petition in such an appeal, other than the petition of the City, shall set forth that the assessment is illegal, specifying the grounds of the alleged illegality, or is erroneous by reason of overvaluation, or is unequal in that the assessment has been made by a higher

Petitions.

proportion of valuation than other real or personal property on the same tax roll, by the same officers, and that the petitioner is, or will be, injured by such alleged illegality, unequal or erroneous assessment. The petition of the Mayor and City Council of Baltimore shall set forth wherein the decision of said Court is erroneous and such other facts as may be necessary to inform the Baltimore City Court of the claim of the City. A summons shall issue for the respondent or respondents named in the petition of the City returnable on such a day as the Baltimore City Court may appoint for a hearing of the matter averred in such petition. All such appeals shall be taken within thirty days after an assessment has been made as aforesaid, or within thirty days after the refusal to reduce or abate an existing assessment, or within thirty days after the action of said Court complained of by the City. On such appeals the Baltimore City Court shall appoint a day for hearing said appeals, which shall not be less than five or more than thirty days after the expiration of the thirty days' limit for taking appeals as aforesaid; and shall direct the clerk of the said Baltimore City Court to issue a *subpoena duces tecum* to the Judges of said Appeal Tax Court, requiring them to produce and deliver to said Baltimore City Court the record of the proceedings of the said Appeal Tax Court, and all maps, plats, documents and other papers connected with the said record; the said Baltimore City Court shall have full power to hear and fully examine the subject and decide on said appeals, and for that purpose it is hereby authorized and empowered to adjourn from time to time, and may cause all or any of such appeals to be consolidated, or may hear and decide them separately, and may require the said Judges of the Appeal Tax Court, their clerks, surveyors or other agents and servants, or any of them, and all such other persons as the Baltimore City Court may deem necessary to attend, and examine them on oath or affirmation; and may permit and require all such explanations, amendments and additions to be made to and of the proceedings as the Court shall deem requisite. The person or the City appealing to the said Baltimore City Court shall have a trial

Summons.

When appeals shall be taken.

Hearing, when.

Appeal Tax Court to transmit record.

Practice in such appeals.

Jury trial or trial by Court; record to be amended; assessment to be increased or reduced.

Certificate of record to be conclusive unless appeal is taken to Court of Appeals.

No stay of levy.

Allowance to petitioner if assessment determined excessive.

before the Court without the intervention of a jury, and the Court sitting without a jury shall ascertain or decide on the proper assessment, and shall not reject or set aside the record of the proceedings of the said Judges of the said Appeal Tax Court for any defect or omission in either form or substance, but shall amend or supply all such defects and omissions and assess, increase or reduce the amount of the assessment, and alter, modify and correct the records of proceedings in all or any of its parts, as the said Baltimore City Court shall deem just and proper, and shall cause the proceedings and decisions on said appeals to be entered in the book containing the record of proceedings of the said Baltimore City Court, certified by the clerk under the seal of the Baltimore City Court, and the book to be transmitted to the Judges of the said Appeal Tax Court, which shall be final and conclusive in every respect, unless an appeal be taken to the Court of Appeals. Such record book or copy of the proceedings therein, or any part of such proceedings, whether in or out of Court, certified by the Judges of the said Appeal Tax Court, under seal of said City, shall be evidence in any Court in this State, and the Judge of the said Baltimore City Court shall have full power, in his discretion, to require the cost of any appeal or any part thereof, to be paid by all or any of the appellants or by the City, as the circumstances of each appeal, in his opinion shall justify. In no case shall any such appeal stay or suspend the power or duty of the City to levy or collect taxes upon the property involved in said appeal, but such levy and collection shall proceed in all respects as if no appeal had been taken. If a final judgment shall not be given in time to enable the assessors or other officers to make a new or correct statement for the use of the proper authorities in levying taxes, and if it shall appear from such judgment that said assessment was illegal, erroneous or unequal, then there shall be audited, allowed and paid to the petitioner by the Comptroller the amount, with interest thereon from the date of the payment, in excess of what the tax should have been, as determined by said judgment or order of the Baltimore City Court. And if on the appeal by the City the Baltimore City Court should

decide that the valuation and assessment was erroneous and less than what it should have been, or that the property should be assessed, the Baltimore City Court shall ascertain and fix the valuation and assessment of said property, then the Comptroller shall audit and charge the respondent or respondents with the difference in said valuation and assessment as fixed by the Baltimore City Court and that fixed by the Appeal Tax Court, which amount of difference shall be a lien on the property involved in the proceedings. An appeal may be taken to the Court of Appeals by either the petitioner or petitioners or the City within ten days after the rendition of said judgment or order by the Baltimore City Court, and the record shall be immediately transmitted to the Court of Appeals, which Court shall immediately hear and determine the questions involved in said appeal.**

When assessment is increased by City Court, practice.

Appeal to Court of Appeals.

Monticello Co. *v.* Mayor, 90 Md. 416, 432. Fowble *v.* Kemp, 92 Md. 633. Baltimore City *v.* Bonaparte, 93 Md. 156. United Rys. & Elec. Co. *v.* Baltimore City, 93 Md. 631. Baltimore City *v.* Austin, 95 Md. 90. Gittings *v.* Baltimore, 95 Md. 419. Baltimore City *v.* Poole & Son, 97 Md. 69. Joesting *v.* Baltimore City, 97 Md. 595. Consol. Gas. Co. *v.* Baltimore City, 101 Md. 541.

1900, ch. 399.

§170a. If the Mayor and City Council of Baltimore claim to be aggrieved by any decision of the State Tax Commissioner upon any valuation and assessment, the said Mayor and City Council of Baltimore may appeal from said decision to the Comptroller of the Treasury and State Treasurer. If no such appeal be taken within thirty days from any decision of the Tax Commissioner, the said valuation and assessment shall be final; but if such appeal shall be taken within thirty days from any decision, there shall be stated in such appeal the reasons and grounds of such appeal; and said Comptroller and Treasurer shall

Mayor and City Council of Baltimore may appeal from decisions of State Tax Commissioner.

****Abatement of Taxes.** The remedy for refusal to abate an assessment of taxes is an appeal to the Baltimore City Court under section 170 of the City Charter and *mandamus* will not lie to compel abatement by the Appeal Tax Court. *Hoffman v. Sams*, Daily Record, January 10, 1905.

consider the same, and if the Comptroller and Treasurer shall both be of the opinion that such valuation and assessment so made by the State Tax Commissioner is erroneous, and ought to be changed, they shall change the same accordingly, and the valuation and assessment so agreed upon by the Comptroller and Treasurer shall be final; but if either the Comptroller or Treasurer shall agree with the State Tax Commissioner as to the correctness of the valuation so made by him, then such appeal shall be dismissed, and the original valuation shall be and remain as the true valuation.

Monticello *v.* Baltimore, 90 Md. 416. Fowble *v.* Kemp, 92 Md. 633.

Basis on which
taxes shall be
assessed and
levied.

171. In the year eighteen hundred and ninety eight, and in all succeeding years thereafter, the valuation of the property subject to taxation in the City of Baltimore, as it shall appear upon the assessment books of said Court on the first day of October in each and every year, shall be final and conclusive, and constitute the basis upon which taxes for the next ensuing fiscal year shall be assessed and levied; provided, that the foregoing provision shall not apply to property in the City liable to taxation, and which may have escaped, or which may have been omitted, in the regular course of valuation, but such property shall be valued and assessed, and the owner or owners thereof charged with all back and current taxes justly due thereon, whenever the same may be discovered and placed upon the assessment books,¹ and provided that the provisions of this section shall not apply to the taxes levied for the year eighteen hundred and ninety eight, after the passage of this Article. The said Court shall, on the first day of October, or as soon thereafter as practicable, in the year eighteen hundred and ninety eight, and in all succeeding

Provisoos.

Appeal Tax
Court to de-
liver state-
ment of taxa-
ble property
to City Col-
lector and
Board of Es-
timates; tax
roll; duties of
Appeal Tax
Court.

¹ NOTE.—*Shares of Stock* in domestic corporations are not "property" under the terms of section 171 of the City Charter, "which when discovered is to be valued and assessed by the Appeal Tax Court and the owner or owners thereof charged with back and current taxes." Balto. Chrome Works *v.* Mayor & C. C. of Balto. Daily Record, April 19, 1904.

years thereafter, make out and deliver to the City Collector and Board of Estimates each, a statement showing the valuation and assessment of all the property subject to taxation in said City, as it shall appear upon the assessment books of said Court on said first day of October; such statement shall contain an alphabetical list of all owners to whom any property in said statement has been valued and assessed, properly arranged according to the several wards of the City, with the location and description of the property of each of said owners. The said statement shall be known as the taxable basis for the next ensuing fiscal year, and after the levy of taxes, it shall be designated as the tax roll for said year. The said Court shall perform such other duties as may be prescribed by law or ordinances not inconsistent with this Article.¹

**Skinner Dry Dock Co. v. Baltimore*, 96 Md. 37-41. *Cochran v. Carstairs*, 95 Md. 509. **Baltimore City v. Jenkins*, 96 Md. 193.

COMMISSIONERS FOR OPENING STREETS.**

172. The Commissioners for Opening Streets shall be the second sub-department of Review and Assessment, and the head of this sub-department shall be a Board composed of three persons, appointed by the Mayor in the manner prescribed in section 25 of this Article, and removable as therein provided. One of their number shall be President, and shall be so designated when appointed by the Mayor. Their term of office shall be for three years, one Commissioner to retire every year; except that the Commissioners first appointed shall determine by lot their terms of office, so as to provide for the termination of the term of one Commissioner each at the end of the first and second years. The said Commissioners shall receive a salary of one thousand eight hundred dollars each

Second sub-department of Review and Assessment.

Appointment; tenure; salaries.

¹ NOTE.—Compare this section with Sec. 5, Art. 50, City Code (1892); *See dicta* in *Hopkins v. Van Wyck*, 80 Md. 15, construing same.

**NOTE.—Sections 172 to 195, inclusive, under this sub-title, are embodied from the City Code of 1892, Art. 48, Secs. 1 to 27, inclusive, with slight modifications.

per annum, payable monthly. The said Commissioners shall be charged with the duty of opening, extending, widening, straightening or closing any street, lane, alley or part thereof situated in Baltimore City whenever the same shall have been directed by ordinance to be done, and shall perform such other duties as the Mayor and City Council of Baltimore may by ordinance prescribe. The said Commissioners shall appoint a Clerk, who shall be paid a salary of one thousand five hundred dollars per annum, payable monthly, and shall perform such duties as the Commissioners may prescribe. The said Commissioners may also appoint such other employees as the Mayor and City Council of Baltimore by ordinance may direct, and fix their compensation, not to exceed in the aggregate the amount appropriated by ordinance.

McClellan v. Marine, 98 Md. 53.

Clerk to keep
record of pro-
ceedings.

173. The Clerk of said Commissioners shall keep a record of their proceedings in a book provided for the purpose, and in such form as the City Solicitor may prescribe; and the said Clerk shall record in said book all orders made by the Commissioners in regard to the performance of their duties, and make true copies of all notices by them directed to be published, and of the certificate of the publication thereof, and shall perform such other clerical duties as the said Commissioners shall require.

City Register
or City Col-
lector to re-
ceive assign-
ments of as-
sessments
from parties
allowed dam-
ages.

174. When the said Commissioners shall assess a sum of money to be paid by any person or persons, for benefits derived by such person or persons from opening, extending, widening, straightening or closing any street, lane or alley, or part thereof, and shall assess a sum of money to be paid to the same person or persons for damages sustained by said opening, extending, widening, straightening or closing, it shall and may be lawful, upon a certificate of title from the City Solicitor, for the City Register or City Collector to receive from such person or persons an assignment for the sum or sums so assessed as damages aforesaid.**

**NOTE.—As to rule in assessing damages and benefits, *see*, M. & C. C. of Balto. v. Smith, 80 Md. 458.

175. Whenever the Mayor and City Council of Baltimore shall hereafter by ordinance direct the Commissioners for Opening Streets to lay out, open, extend, widen, straighten or close up, in whole or in part, any street, square, lane or alley, within the bounds of this City, the said Commissioners, having given the notice required by law of their first meeting to execute the same, shall meet at the time and place mentioned in said notice, and from time to time thereafter, as may be necessary, to exercise the powers and perform the duties required of them by said ordinance, and shall ascertain whether any and what amount of value in damage will thereby be caused to the owner of any right or interest in any ground or improvements within or adjacent to the City of Baltimore, for which, taking into consideration all advantages and disadvantages, such owner ought to be compensated ; and the said Commissioners having ascertained the whole amount of damages for which compensation ought to be awarded, as aforesaid, and having added thereto an estimate of the probable amount of expenses which will be incurred by them in the performance of the duties required of them, as aforesaid ; and also of the expenses incurred by the City Register by reason of said proceedings, shall proceed to assess all the ground and improvements within and adjacent to the City, the owners of which, as such, the said Commissioners shall decide and deem to be directly benefited by accomplishing the object authorized in the ordinance aforesaid ; and should the direct benefits, assessed as aforesaid, not be equal to the damages and expenses incurred, the balance of said expenses and damages shall be paid by the City Register, and provided for in the general levy.

How commissioners shall proceed.

Notice.

Damages to be assessed.

Benefits to be assessed.

Alexander *v.* Mayor, 5 Gill 383. Moale *v.* Mayor, 5 Md. 314. Hawley *v.* Mayor, 33 Md. 270. Page *v.* Mayor, 34 Md. 558. N. C. Ry. Co. *v.* Mayor, 46 Md. 428. Brooks *v.* Mayor, 48 Md. 265. Central Savings Bank *v.* Baltimore, 71 Md. 520-522. Baltimore *v.* Rice, 73 Md. 307. Pitts *v.* Baltimore, 73 Md. 338. Friedenwald *v.* Baltimore, 74 Md. 116. Burke *v.* Baltimore, 77 Md. 459. M. & C. C. of Baltimore *v.* Smith, 80 Md. 458. Shanfelter *v.* M. & C. C. of Baltimore, 80 Md. 491. Gluck *v.* M. & C. C. of Baltimore, 81 Md. 315. Baltimore City *v.* Fear, 82 Md. 254. Baltimore *v.* Coates, 85 Md. 531. Gardiner *v.* Baltimore City, 96 Md. 361. B. & O. R. R. Co. *v.* Baltimore City, 98 Md. 535.

Act 1898, ch. 123. 1900, ch. 109.

Where part
only of a lot
shall be
taken.

Manner of val-
uation.

Notice of sale.

Purchase mon-
ey, when to
be paid.

176. In every case where it shall be necessary in order to effect the object proposed under any of the ordinances providing for the laying out, opening, widening or straightening in whole or in part any street, square, lane or alley, that a portion only of a lot or of a lot and improvements shall be taken and used or destroyed, and the owner or owners thereof shall claim to be compensated for the whole, the said Commissioners in such cases may, if they deem it best and not otherwise, accept a surrender in writing of the whole of said lot and improvements, or the whole of said improvements, from said owner or owners, in which event the said Commissioners shall ascertain the full value thereof, as if the whole lot or lots and improvement or improvements, as the case may be, were necessary to be taken and used for such proposed object, and the whole amount of such valuation when finally decided on shall be paid or tendered to the said owner or owners before any part thereof shall be destroyed, removed or used, unless such owner or owners shall assent thereto in writing, as now provided for by law ; and the said Commissioners, after giving ten days' notice in two of the daily newspapers of the City of the time and place, manner and terms of sale, shall sell by public auction to the highest bidder the materials of any house or houses which it shall be necessary to remove, in whole or in part, and also the residue of any lot of which a part shall be taken and used to effect the the object confided to the Commissioners, and which residue shall have been, with the consent of the Commissioners aforesaid, surrendered by the owners thereof as aforesaid; the purchase money to be paid when full possession shall be given of the property or material so sold, and the said Commissioners or a majority of them on receiving the purchase money aforesaid, and not before, shall by a good and sufficient deed convey the lot or lots of ground by them so sold to the purchaser ; but no such sales shall be made until after the Commissioners have assessed the entire amount of damages and expenses as are now directed to be assessed by existing ordinances relating to the condemnation of streets, nor until all damages for taking said

property shall have been paid or tendered to the proper party or parties or invested or paid into Court as by law required, nor until the said Commissioners are ready and able to give possession to the said purchaser or purchasers of property and materials aforesaid, and the said Commissioners are duly empowered to take and receive a good and sufficient bond from the purchaser or purchasers aforesaid, with a penalty to the Mayor and City Council of Baltimore, conditioned that the purchase money be duly paid at such time as the said Commissioners shall demand the same, and conditioned further that said purchaser or purchasers shall remove within sixty days after notice from the said Commissioners, from the bed of the street all such materials so sold, and all rubbish or other obstructions in said street occasioned thereby; and in the event of the purchaser or purchasers not complying with the terms of said sale, the Commissioners shall re-sell the said lot or lots, and improvement or improvements, as the case may be, at the risk of the former purchaser, or purchasers, giving not less than five days' notice of said re-sale in two of the daily newspapers of the City aforesaid; provided, however, that where, in the judgment of said Commissioners, a part only of the whole of a lot or a part of the whole of the improvements of any lot can be taken without destroying the whole of said lot or said improvements, for the purpose for which lot or improvements are used, or for building purposes, the said Commissioners shall only condemn such part of said whole lot or improvements as is necessary for the proposed object, and shall award to the owner or owners of the part of the lot or improvements so taken such damages and assess upon the remainder thereof such benefits as in their judgment shall be right and proper; and provided, further, that in all cases where there are sheds or other obstructions lying and being in beds of streets, lanes, roads or alleys, in process of opening or widening, where the same will not, in the judgment of the Commissioners for Opening Streets, sell by public auction for the amount of the expenses of said sale, then the said Commissioners for Opening Streets

Bond of purchaser.

Failure of purchaser to comply.

When part of lot only is to be condemned.

Private sale of sheds, etc.

may, and they are hereby authorized, to sell the same at private sale.**

M. & C. C. of Baltimore *v.* Merryman, 23 Md. 449. Mayor *v.* Clunet, 23 Md. 464. Norris *v.* Balto., 44 Md. 603. Bernei *v.* Mayor, Baltimore, 56 Md. 351.

Statements to be made and published of damages and benefits assessed by Commissioners.

177. As soon as the Commissioners aforesaid shall have completed the valuation of damages to be ascertained by them as directed by this Article, they shall cause a statement thereof to be made out for the inspection of all persons desiring information of its contents, and such statement, together with an explanatory map or maps, shall contain a description of each separate lot or parcel of ground deemed to have sustained damages, its dimensions, the name of the street, lane or alley on which it bounds, the names of all persons supposed to have any estate or interest in it, and the amount of damages as valued by the Commissioners; and if there be any house or other improvements on it, necessary to be removed, in whole or in part, such description thereof as the Commissioners shall deem necessary; and in like manner a description of each parcel of ground deemed by the Commissioners to be benefited, the name or names of such person or persons as may be supposed to have any estate or interest therein, and the amount assessed thereon for benefits; and the said Commissioners shall cause a notice to be published for four successive days in two daily newspapers of the City, stating the extent of the ground covered by the assessment, and that such statement and maps are ready for the inspection of all persons interested therein; and that the Commissioners will meet at their office on a day to be named in said notice, which shall be within ten days

Notice of meeting for revision.

****NOTE.**—As to right of the city to institute condemnation proceedings before street grades are established, *see*, Balto. Belt R. R. Co. *v.* Turner, Daily Record, January 12, 1893.

As to rule for valuation of property in awards in condemnation proceedings, *see*, Park Board *v.* White, Daily Record, May 25, 1893.

The inchoate right of dower in fee simple property to be considered in condemning property. B. & O. R. R. Co. *v.* Textor, Daily Record, December 25, 1893.

after the first publication of such notice, for the purpose of reviewing any of the matters contained in such statement to which any person claiming to be interested shall make objection ; and the Commissioners shall meet at the time and place so appointed, and shall hear and consider all such representations or testimony on oath or affirmation, verbal or in writing, in relation to any matter in said statement which shall be offered to them on behalf of any person claiming to be interested therein ; and the said Commissioners shall make all such corrections and alterations in the valuations, assessments and estimates, and all other matters contained in the said statements and explanatory map or maps aforesaid, as in their judgment shall appear to them, or a majority of them, to be just and proper ; and they may adjourn, from day to day, if necessary, to give all parties claiming a review an opportunity to be heard, not exceeding in the whole ten days ; and after closing such review the Commissioners shall make all such corrections in their statement and explanatory map or maps as they shall deem proper, and cause such statement as corrected to be recorded in their book of proceedings, and certified under the hands and seals of the said Commissioners and their Clerk, and shall deposit the same, together with the explanatory map or maps, as finally corrected by them, and similarly certified to in the office of the City Register ; and it shall be the duty of the City Register within five days after said proceedings shall have been deposited in his office, to notify all persons interested by an advertisement, to be inserted once a week for four successive weeks, in two of the daily newspapers of the City, that the said assessment and maps have been so placed in his office, and that the parties affected thereby are entitled to appeal therefrom by petition in writing to the Baltimore City Court.

To hear parties interested and make corrections.

Proceedings to be deposited with City Register.

City Register to advertise deposit of proceedings and right of appeal.

*Central Savings Bank *v.* Baltimore, 71 Md. 520. *M. & C. C. of Baltimore *v.* Smith, 80 Md. 467. Zion Church *v.* Baltimore, 71 Md. 524.

178. It shall be the duty of the Clerk of the Commissioners for Opening Streets to serve written or printed notice upon each and every party or parties assessed for

Notice to be served on parties assessed.

damages, caused by the condemnation and opening of any public highway ; provided, however that the service of such notice shall not be so construed as to be one of the prerequisites to the condemnation and opening of any street under any ordinance heretofore passed, or hereafter to be passed.

Appeal to Baltimore City Court; when to be heard.

179. The Mayor and City Council of Baltimore or any person or persons, or corporations, who may be dissatisfied with the assessment of damages or benefits, as hereinbefore provided, may, within thirty days after the return of the corrected statement and map or maps to the City Register, and the first publication of the notice thereof by the City Register, appeal therefrom by petition, in writing, to the Baltimore City Court, praying the said Court to review the same, and on any such appeal the Court may and shall appoint a day for hearing said appeal, which shall not be less than five or more than thirty days after the expiration of the thirty days limited for taking appeals as aforesaid, and shall direct the clerk of the said Court to issue a *subpoena duces tecum* to the City Register, requiring him to produce and deliver to said Court the record of the proceedings of the said Commissioners in the case, and all maps, plats, documents and papers connected with such record, and the said City Court shall have full power to hear and fully examine the subject, and decide on the said appeal, and for that purpose is hereby authorized and empowered to adjourn from time to time, and may cause all such appeals to be consolidated, or may hear and decide them separately, and may require the said Commissioners, their Clerk, Surveyor, or other agents and servants, or any of them, and all such other persons as the Court shall deem necessary, to attend, and examine them on oath or affirmation, and may permit and require all such explanations, amendments and additions to be made to and of the said record of the proceedings as the said Court shall deem requisite ; and the persons appealing to the Baltimore City Court, as aforesaid, shall be secured in the right of a jury trial, and the said Court shall direct the Sheriff of Baltimore City to summon twelve or more persons qualified to be jurors, and shall em-

Proceedings to be delivered to said Court; procedure therein.

Jury trial.

panel any twelve disinterested persons so summoned, or attending the Court, to try any question of facts, and if necessary to view any property in the city, or adjacent thereto, to ascertain and decide on the amount of damages or benefits, under the direction of the Court; and the said Court shall not reject or set aside the record of the proceedings of the said Commissioners for any defect or omission in either form or substance, but shall amend or supply all such defects and omissions, and increase or reduce the amount of damages and benefits assessed, and alter, modify and correct the said return of proceedings, in all or any of its parts, as the said Court shall deem just and proper, and shall cause the proceedings and decisions on said returns and appeals to be entered in the book containing the record of the proceedings of the Commissioners, certified by the Clerk, under the seal of the Court, and the book to be transmitted to the City Register, which shall be final and conclusive in every respect, unless an appeal be taken to the Court of Appeals, and such record book, or a copy of the proceedings therein, or any part of such proceedings, whether in court or out of court, certified by the City Register under the corporate seal of the City, shall be evidence in any court in this State, and the Judge of the Baltimore City Court shall have full power, in his discretion, to add the reasonable costs of any appeal, to be taxed by him, or any part thereof, to the damages to be collected for opening or closing said street, or to require such cost, or any part thereof, to be paid by all or by either of the appellants, as the circumstances of each appeal, in his opinion, shall justify. Upon every appeal to the Baltimore City Court from any action of the Commissioners for Opening Streets both the damages and benefits assessed by the Commissioners to the appellant shall be open for review and correction by the said City Court.

Duties of Court.

Record of trial
of Appeals.Appeal to Court
of Appeals.

Costs.

Powers of
Court.

Trustees *v.* Mayor of Baltimore, 2 Md. ch. 78. Alexander *v.* Mayor, Baltimore, 5 Gill 383. Meth. Prot. Church *v.* Mayor, 6 Gill 391. Page *v.* Mayor, 34 Md. 558. Hazlehurst *v.* Baltimore, 37 Md. 200. Norris *v.* Mayor, 44 Md. 598. Brooks *v.* Mayor of Baltimore, 48 Md. 265. Friedenwald *v.* Shipley, 74 Md. 116. Farrell *v.* Baltimore, 75 Md. 493. Baltimore *v.* Coates, 85 Md. 531. Baltimore City *v.* Bonaparte, 93 Md. 161.

When ordinance shall be set aside by Court, or repealed.

180. Whenever any ordinance passed by the Mayor and City Council of Baltimore, providing for the condemnation and opening, extending, widening or closing of any street, lane or alley in said City, shall be set aside, or declared null and void* by a court of competent jurisdiction, to wit: the Baltimore City Court or the Court of Appeals, in the event of an appeal to that tribunal, or the same shall be repealed by the City, it shall be the duty of the Comptroller immediately thereafter to draw his warrant on the City Register in favor of any and all persons, or their legal representatives, who may have paid into the City Treasury any sum or sums of money on account thereof; which shall be forthwith paid out of any sums in the Treasury not otherwise appropriated. The Comptroller shall likewise draw his warrant on the City Register for the payment of all expenses which may have been incurred by virtue of any such ordinance, in carrying out the provisions thereof, for which the City may be liable under existing ordinances.

Proceedings where an appeal shall be taken, or after appeals are decided.

181. If no appeal shall have been prayed, then within ten days after the time hereinbefore limited therefor, or after the return of the decision upon any appeal shall have been made to the City Register, the said City Register shall transfer the said Commissioners' return to the City Collector, who shall proceed forthwith to notify the parties assessed for benefits by means of bills specifying the several sums so assessed, and warning them that if the same be not paid within three months from the date of such transfer of said Commissioners' returns, he will proceed to sell the specific pieces or parts of property on which such unpaid sum or sums of money shall have been assessed, in the manner, and after having given the notice directed by this Article.

State *ex rel* Henderson *v.* Taylor, 59 Md. 338. *see*, decision of Brown C. J. City Court *in re* Webster *v.* Mayor, October 16, 1874.

*NOTE.—As to power of Court of Equity to restrain enforcement of a void ordinance, *see*,

M. & C. C. of Balto. *v.* Grand Lodge, 44 Md. 437.

182. If the sums assessed upon the property specified shall not be paid within the time above limited, the City Collector is hereby directed to sell the property, or any part thereof, on which such assessment has been laid, giving thirty days' notice of said sale, in two of the daily newspapers published in the City of Baltimore, the first insertion of said notice to be made in said newspapers within sixty days after the expiration of the time limited in this Article for the payment of said benefits; and the moneys so collected by the City Collector shall be paid over by him to the City as other moneys are directed to be paid over, to be by it paid to the persons entitled to receive the same.

Sale of assessed property, when sums assessed are not paid.

*M. & C. C. of Baltimore v. Grand Lodge, 44 Md. 437. *Zion Church v. Mayor, 71 Md. 524. P., W. & B. R. R. Co. v. Shipley, 72 Md. 88.

183. In all cases in which the City Collector shall sell any property on account of the non-payment of assessments made for the opening, closing, widening or extension of any street, lane or alley, it shall be his duty to sell said property to the extent, and subject to the same conditions which are provided by ordinance for the sale of real estate in the City of Baltimore, charged with the payment of other taxes imposed by this corporation; and in the event of the purchaser or purchasers failing forthwith to comply with the terms of said sale, the City Collector shall re-sell the same at the risk of the former purchaser, giving not less than ten days' notice in two of the daily newspapers of the City aforesaid; and after collecting the benefit assessments he shall forthwith return the said Commissioners' proceedings to the Comptroller.

How sales shall be made.

184. The City Collector, on receiving the full amount of the purchase money on such sale, shall execute a deed of conveyance in favor of the purchaser or purchasers, or their assign or assigns, which deed shall convey a fee simple or leasehold estate, as the case may be, in and to such property, and after deducting the costs of sales, advertising and other necessary expenses, he shall pay the balance of such

Deed to purchaser.

purchase money to the City, which shall pay over the said balance, after deducting the amount assessed on said property, to the person or persons entitled thereto, on demand without interest.

Carter v. Woolfork, 71 Md. 283.

Assessments to
be liens until
paid.

185. All sums of money assessed by the Commissioners aforesaid, upon property deemed by them to be benefited, shall be and continue liens on each several piece of property so assessed, to the amount of its particular assessment, until the same shall be paid to the City; but no part of any street, square, lane or alley shall be opened on or over the ground of any person or persons, or corporation, adjudged by the Commissioners to be entitled to damages for said opening, without the consent, in writing, of the person or corporation so entitled, until such damages shall be paid, or the amount thereof invested in the City stock, for the use of each person or corporation entitled to any part of the compensation for such damages, to the amount of his, her or their respective right and interest therein, of which investment the City Register's certificate, under the corporate seal of the City, shall be competent proof.

Gould v. Mayor, 59 Md. 378. *Central Savings Bank v. Baltimore*, 71 Md. 517. *Zion Church v. Baltimore City*, 71 Md. 524.

Payment by
third parties
of benefits.

186. Any person or persons not claiming title to any lot or piece of property upon which any sums shall be assessed, as aforesaid, may pay the amount of the sum so assessed, within the time limited, to the City Register, and obtain his certificate of having paid such sum without claiming title to the property; and such payment shall vest in the person or persons paying his, her or their heirs, the lien on such lot or property mentioned in this Article.

State ex rel, Henderson v. Taylor, 59 Md. 338.

Commissioners
in special
cases.

187. If it should so happen that any one or more of said Commissioners should be interested in any particular case, the Mayor shall make a temporary appointment of a Commissioner or Commissioners, to act in the place and stead

of such interested Commissioner or Commissioners, who shall take the oath or affirmation, as the case may be, and in all respects conduct himself and have all the powers as the other Commissioners who are appointed by the Mayor.

188. Whenever any lot, or part of a lot, or parcel of ground may be taken and included within the lines of any street, lane or alley, or part thereof, and damages assessed therefor, and there shall be an outstanding unexpired term of years therein, the said Commissioners shall discriminate in their proceedings between the value of fee simple or ground rent interest, and the leasehold interest.

Fee and leasehold to be distinguished.

Mayor, etc. *v.* Rice, 73 Md. 307. *Gluck v. Mayor*, 81 Md. 315.

189. Whenever any obstruction shall have remained in any street, lane or alley, or part thereof so opened, for the space of sixty days after the proceedings of the said Commissioners shall have been returned to the City Register, it shall be the duty of said Commissioners to cause the same to be removed, and to draw on the Register for the expense so incurred, which shall be paid by him, and the Mayor shall forthwith cause a suit for the recovery of said expenses to be instituted against the person or persons by whose default the said obstruction has been suffered to remain, and the same, when recovered, shall be paid to the Register for the use of the City.

Obstructions to be removed.

Suit for expenses.

190. In each case of laying out, opening, extending, widening, straightening or closing up, in whole or in part, any street, square, lane or alley, under the provisions of this Article, the said Commissioners shall, for each and every day in which they and their Clerk shall be actually engaged in the performance of their duties, assess, as part of the expenses of their proceedings, a *per diem* as to each of said Commissioners and their Clerk, of four dollars, to be collected as other expenses are, and to be paid to the Register for the use of the City.

Per diem to Commissioners to be assessed.

City Register
to pay ex-
penses.

191. When the proceedings of the Commissioners for Opening Streets in any case are transferred by the City Register, to the City Collector, the City Register is authorized and required to pay all the expenses incurred by the Commissioners under the said proceedings. But such expenses shall not remain unpaid more than six months after the completion of any services performed under said ordinance; and the Comptroller and Register are directed to pay, within six months after the services have been completed, any such expenses, upon presentation of the proper vouchers or certificates from the Commissioners for Opening Streets.

Books and pa-
pers to be
deposited
with City
Register.

192. The Commissioners for Opening Streets, so soon as they shall have completed their work on each street, shall deposit all papers and books relating thereto in the office of the City Register. The said Commissioners shall perform such other duties as may be required of them by ordinances not inconsistent with this Article.

Deeds of gift
to City from
owners of
beds of
streets and
alleys.

193. Whenever the owner or owners of the bed of any of the streets, lanes or alleys of the City, as laid out on Poppleton's plat, or on such plat as the City may adopt, for the territory annexed under the Act of 1888, Chapter 98, shall offer to convey the same to the City, it shall be the duty of the Mayor to obtain the opinion of the City Solicitor in relation to the title to the property and the legality of the deed or deeds, and, if in the opinion of the Mayor, it will be right and proper, and the public good will result therefrom, he is hereby authorized to receive, in the name of the Mayor and City Council of Baltimore, any deed or deeds so offered to the City; provided, that no deed shall be for less than one whole square, and that the City shall not incur any expense in receiving the same; and that a plat setting forth the location, together with the surrounding property, to the extent of two hundred feet, shall accompany said deed.

Proviso.

Such streets
and alleys to
be public
highways.

194. Whenever any street, lane or alley, or part thereof, shall be conveyed to the City, as provided in the preceding

section, the same shall be a public highway, subject to all ordinances and resolutions relating to streets, lanes and alleys in the City of Baltimore.

195. The Mayor and City Council of Baltimore will not entertain any petition for or remonstrance against the opening, widening, straightening or closing of any street, lane, or alley in the City of Baltimore, unless the signers of such petition or remonstrance shall state the location of the property they represent, together with the number of front feet of the same. Petitioners to state location and number of front feet of their property.

**MUNICIPAL OFFICERS
NOT INCLUDED IN ANY DEPARTMENT.**

CITY LIBRARIAN*

196. There shall be an official of the Mayor and City Council of Baltimore, to be known as the City Librarian. He shall be appointed by the Mayor in the manner prescribed in section 25 of this Article and hold his office as therein provided. The said Librarian shall, under the supervision and direction of the City Register, take under his charge and keeping all the books and documents of every description, and the archives, records, papers and proceedings of the Mayor and City Council of Baltimore, except as is otherwise herein provided, now in the possession of other municipal officers, entrusted with them by the City, or which may hereafter come into the possession of the City, and also all the ordinances, resolutions, and proceedings of the City Council after each and every session thereof; and he shall arrange and classify, so as to be easily found when needed, all the books, documents, records, papers, ordinances and resolutions, and proceedings hereby placed and hereafter to come under his charge and keeping; and he shall furthermore carefully collect and arrange and safely keep a complete series of ordinances His appointment.

Duties.

To arrange, classify, index and preserve municipal books, documents, etc., etc.

*NOTE.—The provisions of the Charter in relation to the City Librarian and his duties were largely embodied from Art. xxxii of the Baltimore City Local Code (1893).

and resolutions and proceedings of the Mayor and City Council of Baltimore, and all other books, papers and memorials relating to Baltimore, from its beginning as a town to the present time, and this shall continue to be one of his regular duties, and he shall not permit any book or books, or documents of said series to be taken or removed by any one from the City Library, and he shall permit no other book, document, record or paper of any sort to be taken from the City Library, except by City officers, and then only on a written receipt from such City officer or officers for the same, which receipt shall be written in a book to be kept for that purpose, and shall be duly cancelled on the return of the book, documents, records or papers so borrowed; and he shall see that no books, documents, records or papers of any sort be lost or mislaid by said City officers; he shall also carefully prepare and keep an index for that purpose of all the books, documents, records and papers of said library. Room shall be provided in the City Hall, and properly furnished for the reception and custody of said library. The salary of the City Librarian shall be one thousand five hundred dollars per annum, payable monthly; and he shall give a good and sufficient bond, to be approved as authorized by this Article, in the sum of five thousand dollars, for the faithful performance of his duties in the premises.**

Salary and
bond.

1906, ch. 111.

Stationery and
printed matter
required
by the de-
partments.

197. Each of the departments, sub-departments municipal officers not embraced in a department and special commissions or boards of the Mayor and City Council of Baltimore shall, on or before the first day of December in every year, furnish to the City Librarian a schedule of all stationery and printed matter, which may be required for the use of such departments, sub-departments, municipal officers and commissions or boards for the year commencing on the first day of January thereafter. It shall be the duty

**NOTE.—In relation to ancient municipal documents and who is the proper custodian, *see*, *Bing v. M. & C. C. of Baltimore*, Daily Record April 3, 1889.

of the City Librarian, twenty days prior to the first day of January in each year, to advertise for proposals for furnishing all such stationery and printed matter as may be required by the respective departments, sub-departments, municipal officers and commissions or boards of the City, for the ensuing fiscal year, subject to the provisions of Sections 14 and 15 of this Article. All contracts which may be awarded in pursuance of the provisions of this section shall contain a clause stipulating that any stationery or printed matter which may be required for the use of any department, municipal officers and commissions or boards aforesaid of the City, over and above the quantity specially designated in said contracts, shall be furnished by the contractors at the same rate charged for articles which are specially mentioned in said contracts, and if any supplies are required which are not mentioned in said contract they shall be furnished at the lowest market rates. It shall be the further duty of the City Librarian to furnish to each of the departments of the City, sub-departments, municipal officers not embraced in a department and special commissions or boards, from time to time, upon the requisition of the heads of said departments, sub-departments, municipal officers and commissions or boards, the stationery and printed matter which may be necessary for the use of said departments, sub-departments, municipal officers not embraced in a department and special commissions or boards and to keep an accurate account of all supplies which may be furnished; and he shall annually report to the City Council of Baltimore the quantity of stationery and printed matter which he shall have furnished to the respective departments, sub-departments, municipal officers and commissions or boards during the preceding fiscal year and the expense of the same.*

Contracts for stationery.

Such contracts to cover additional supplies.

City Librarian to furnish stationery to the departments.

To keep an account of supplies furnished.

Report to City Council.

198. The City Librarian is hereby authorized and directed to appoint two assistants, to be known as First

*NOTE.—As to powers of Mayor and City Council of Baltimore in relation to contracts for stationery prior to Act 1906, ch. 111, *see*, Baltimore *v.* Weatherby, 52 Md. 442, and cases cited under sections 14 and 15 of the Charter, *ante*, pages 98 and 99.

First and Second Assistant Librarian, duties; bond, salaries.

Assistant Librarian and Second Assistant Librarian, who shall perform such duties as the Librarian shall from time to time prescribe and direct, and for whose acts the Librarian shall be held responsible. The First Assistant shall give such bond as provided by ordinance and approved by the Mayor. In the event of the necessary absence of the Librarian, from sickness or other cause, the First Assistant, with the approbation of the Mayor, shall have full power and authority to perform all the duties of the Librarian. The salary of the First Assistant Librarian shall be nine hundred dollars per annum, payable monthly, and the salary of the Second Assistant shall be seven hundred and fifty dollars per annum, payable monthly.

Record to be kept of requisitions filled.

199. There shall be opened, under the direction of the City Librarian, a set of books in which shall be entered all requisitions made upon the City Librarian from the different departments, sub-departments, municipal officers and commissions or boards of the Mayor and City Council of Baltimore, from time to time, and each department, sub-department, municipal officer and commission or board shall be charged with all books, stationery and printed matter it may receive from said Librarian; there shall be kept a record of all bids received for books, stationery and printed matter and of the acceptance or rejection thereof. The City Librarian shall permit no bid once filed in his office to be withdrawn therefrom. There shall be copied and filed away all contracts made or entered into between bidders and the City Librarian; and there shall be annually prepared a general statement of all the transactions of the City Librarian's office, and presented to the City Council.

Bids and contracts.

When library shall be kept open.

200. The City Library shall be kept open daily from 9 A. M. to 4 P. M., and during the sessions of the City Council and at such other times as may be necessary or may be prescribed by ordinance, with the Librarian or his Assistants in attendance.

ART COMMISSION.

201. There shall be an Art Commission, to consist of the Mayor of the City of Baltimore and seven others, to be named by the following institutions, and appointed by the Mayor in the manner prescribed by section 25 of this Article, and hold their offices as therein provided: One shall be named by the Maryland Historical Society, one by the Johns Hopkins University, one by the Peabody Institute, one by the Maryland Institute for the Promotion of the Mechanic Arts, one by the Architectural Club of Baltimore, one by the Board of Park Commissioners, and one by the Charcoal Club; the members of the Commission shall serve without pay. If any of said institutions shall fail to name a Commissioner for thirty days after having been requested in writing by the Mayor so to do, the Mayor shall name such Commissioner.

Appointment
of Commis-
sion.

202. No statue, ornamental fountain, arch or gateway, monument or memorial of any kind shall be erected, nor any change made in those already erected in any public street, avenue, square, place, park or municipal building in the City of Baltimore unless the design and site or proposed change for the same shall have been submitted to the Commission and approved by a majority thereof, and its report shall have been made to the City Council; said report shall be made within thirty days from the time when the design and site or proposed change as above specified shall have been submitted to the Commission for its approval.

To approve
sites, designs,
etc., of public
improve-
ments.

203. The Commission shall, at the request of the Mayor, or the City Council, give its advice as to the suitability of the design for any public building, bridge or other structure, and shall report thereon in writing to the City Council. All vacancies in said Commission shall be filled by the Mayor from those named by the institutions as herein provided; and in case any of said institutions fail for thirty days, after receiving the request of the Mayor, to name a person to fill the said vacancy, the Mayor shall fill it with a person of his own selection.

To give advice
on designs
for public
structures.

Vacancies.

SUPERINTENDENT OF LAMPS AND LIGHTING.

204. There shall be a Superintendent of Lamps and Lighting, who shall be appointed by the Mayor in the manner prescribed in section 25 of this Article, and hold his office as therein provided. He shall have under his charge and supervision the lighting of the City of Baltimore, and shall perform the duties now performed by the General Superintendent of Lamps and Inspector and Sealer of Gas Meters, and such other duties as may be prescribed by ordinances, not inconsistent with this Article. He shall have power to appoint an assistant, who shall perform all the duties now performed by the Inspector of Illuminating Gas and Oils. The Superintendent of Lamps and Lighting shall have the power to appoint such number of district superintendents of lamplighters as the requirements of the City may demand and as are necessary to properly care for the lamps and lighting of the City, and fix their compensation, not to exceed in the aggregate the amount appropriated by ordinance. He shall have power to appoint such clerks and employees as may be necessary to properly conduct his office, and as the annual appropriations of the City for his use in the discharge of his duties may warrant. The compensation of the Superintendent of Lamps and Lighting shall be two thousand dollars per annum, payable monthly, and his assistants and the clerks and employees under him shall be paid such fixed salaries as may be prescribed by ordinance, and not in fees; all fines and inspection fees shall be paid to the Comptroller.

American Lighting Co. v. McCuen, 92 Md. 705.

SURVEYOR.

P. L. L., (1860) Art. 4, Sec. 865. P. L. L., (1888) Art. 4, Sec. 825.

205. There shall be a Surveyor, to be elected on the Tuesday next after the first Monday in November in the year eighteen hundred and ninety-nine, and on the same day in every second year thereafter, and whose term of office shall commence on the first Monday in January next ensuing after his election; his duties and compensation

shall be prescribed by the ordinances of the Mayor and City Council of Baltimore. Any vacancy in the office of Surveyor shall be filled by the Mayor and City Council of Baltimore for the residue of the term.

Duties and compensation.

Baltimore City *v.* Lyman. 92 Md. 610.

CONSTABLES.

206. There shall be two constables for every ward of the City of Baltimore, who shall be appointed by the Mayor and City Council of Baltimore and hold their offices for two years. Their duties and compensation shall be the same as are now, or may hereafter be prescribed by law or ordinances.

To be appointed bi-ennially; duties and compensation.

SUPERINTENDENT OF PUBLIC BUILDINGS.

207. There shall be a Superintendent of Public Buildings, who shall be appointed by the Mayor in the manner prescribed in Section 25 of this Article, and hold his office as therein provided. The said Superintendent of Public Buildings shall provide for the watching, cleaning and heating, and shall have charge of, the City Hall and the buildings and offices in which the different Courts of the City may be held and in which their records may be kept. He shall receive a salary of one thousand five hundred dollars per annum, payable monthly, and perform such other duties as may be provided by ordinances, not inconsistent with this Article. He shall employ such assistants and employees, and at such compensation as may be fixed by ordinance.

Appointment.

Duties.

Salary.

Assistants and employees.

PUBLIC PRINTER.

208. There shall be a Public Printer, who shall be elected on the second Monday of June, in the year eighteen hundred and ninety-nine, and on the same day and month in every second year thereafter, by a convention of both Branches of the City Council. The Public Printer shall be a reputable person, firm or corporation, who shall be *bona fide* engaged in the printing business in

City Council to elect.

Duties.

the City of Baltimore, to execute the printing required by both Branches of the City Council, who shall perform the duties required of him, them or it by ordinances not inconsistent with this Article, and who shall, before he, they or it enter upon the discharge of his, their or its duties as such, execute a bond to the Mayor and City Council of Baltimore, in the penal sum of five thousand dollars, with the condition that he, they or it will faithfully discharge the several duties incumbent upon him, them or it, which bond shall be deposited in such place as the Mayor may select for depositing papers of this kind, and be delivered by him to his successor in office.

Bond.

Baltimore City *v.* Lyman, 92 Md., 610.

1906, ch. 565.

Department of
Legislative
Reference;
composition
of.

208A. There shall be a Department of Legislative Reference of the Mayor and City Council of Baltimore. The head of said Department shall consist of a Board composed of the Mayor of Baltimore, the City Solicitor, the President of the Johns Hopkins University, the President of the Municipal Art Society, and the President of the Merchants and Manufacturers' Association of Baltimore City, and the members of the said Board shall serve without pay. The said Board shall employ a competent statistician as its executive officer to organize and conduct the said Department, and the said executive officer shall hold office from the first day of January, 1907, during good behavior, and shall be subject to removal by the said Board or a majority thereof, for incompetence or neglect of duty.

Competent
statistician
to be em-
ployed.

1906, ch. 565.

Duty of such
executive
officer.

208B. It shall be the duty of said executive officer to investigate and report upon the laws of this and other States and Cities relating to any subject upon which he may be requested to so report by the Mayor of Baltimore, any Committee of the City Council or the head of any City Department; to accumulate all data obtainable in relation to the practical operation and effect of such laws; to

investigate and collect all available information relating to any matter which is the subject of proposed legislation by the General Assembly of Maryland, or the City Council of Baltimore; to examine acts, ordinances and records of any State or City, and report the result thereof to the Mayor of Baltimore, any Committee of the City Council or the head of any City Department requesting the same; to prepare or advise in the preparation of any bill, ordinance or resolution when requested so to do by any member of the City Council; to preserve and collect all information obtained, carefully indexed and arranged so as to be at all times easily accessible to City officials and open to the inspection of the general public; to perform such other duties as the said Board may prescribe; and to make a full and complete report thereof on or before the first day of February of each and every year to cover the work for the previous fiscal year ending December thirty-first.

To advise in preparation of bills and ordinances.

To keep records accessible to general public.

1906, ch. 565.

208C. The Board of Estimates shall provide in the ordinance of estimates for the year 1907, and annually thereafter, for the payment of the salary of said Executive Officer, which shall not be less than \$2,000 per annum, and also a sum sufficient to pay all other expenses of the said Department of Legislative Reference.

Salary of officer and expenses of department.

LEGISLATIVE DEPARTMENT. CITY COUNCIL.

P. L. L., (1860) Art. 4, Sec. 12. P. L. L., (1888) Art 4, Sec. 16.

209. The Legislative Department of the Mayor and City Council of Baltimore shall be vested in the City Council, which shall consist of two Branches, one of which shall be the First Branch and the other the Second Branch.*

Branches of City Council.

Baltimore City *v.* Gorter, 93 Md. 1, 8.

*NOTE.—In connection with this section, *see*, *Smyrk v. Sharp*, 82 Md. 97.

P. L. L., (1860) Art. 4, Secs. 13, 24. P. L. L., (1888) Art. 4, Secs. 17, 28.

First Branch.

Qualifications
of members;
salaries.

210. The First Branch shall consist of one member from each ward of the City, who shall be a citizen of the United States, above the age of twenty-one years, a resident of the City three years preceding his election, and for the same time a resident of the ward for which he is elected, and assessed with property to the amount of three hundred dollars, who has paid taxes on the same one year prior to his election, and shall hold his office for two years. Each member of the First Branch shall be paid a salary of one thousand dollars per annum, payable monthly.**

Baltimore City *v.* Gorter, 93 Md. 8.

P. L. L., (1860) Art. 4, Secs. 14, 24. P. L. L., (1888) Art. 4, Secs. 18, 28.
1898, ch. 123. 1901, ch. 8.

Second Branch
of City Coun-
cil.

Qualifications
of members.

Term of office;
salaries.

211. The Second Branch shall consist of nine members, one of whom shall be the President thereof, and shall possess the qualifications and be elected as hereinafter provided. The other eight members shall be elected from four Councilmanic Districts, two from each district; said district to be established and fixed as herein defined by this Act. The members of the Second Branch, excepting the President thereof, shall be citizens of the United States above the age of twenty-five years, residents of the City of Baltimore four years prior to their election, each of whom has been assessed with property in the said city in the sum of five hundred dollars, and who has paid taxes on the same for two years prior to his election; and the said members of the Second Branch shall hold their offices for four years, except as provided in Section 213 of this Article, and each of them shall be paid a salary of one thousand dollars per annum, payable monthly.†

Baltimore City *v.* Gorter, 93 Md. 8.

**NOTE.—In connection with Section 210, *see*, Kean *v.* Rizer, 90 Md. 507. Vanneman *v.* Pusey, 93 Md. 686, 690.

†For *dicta* of the Court of Appeals in connection with provisions similar to those of Section 211, *see*, Kean *v.* Rizer, 90 Md. 507. Vanneman *v.* Pusey, 93 Md. 686, 690.

NOTE.—*See proviso* of Act 1901, ch. 8, relating to present incumbents.

P. L. L., (1860) Art. 4, Sec. 15. 1888, ch. 397. P. L. L., (1888) Art 4, Sec. 19.

212. The election for members of the First Branch shall be held on the Tuesday next after the first Monday in May, in the year eighteen hundred and ninety-nine, and upon every second year thereafter. Said election shall be held by wards, and no person shall be entitled to vote for any member of the First Branch except for the member for the ward of which the voter is a resident. The members of said Branch now in office shall hold office until their successors have been elected under the provisions of this article, and have duly qualified.

Election for
members of
First Branch,
when held.

Baltimore City *v.* Gorter, 93 Md. 8.

P. L. L., (1860) Art. 4, Sec. 16. P. L. L., (1888) Art. 4. Sec. 20. 1888, ch. 397. 1890, ch. 10.

213. The election for the said eight members of the Second Branch shall be held on the Tuesday next after the first Monday in May, in the year eighteen hundred and ninety-nine. Their terms of office shall be for four years, except that the members of the Second Branch first elected shall determine by lot their terms of office, so as to provide for the retirement of one-half of the said members of the Second Branch at the end of the first two years. On the Tuesday next after the first Monday in May, in the year nineteen hundred and one, and in every second year thereafter, an election shall be held for four members of said Branch to fill the places of the members then retiring.

Election for
members of
Second
Branch; term
of office.

Baltimore City *v.* Gorter, 93 Md. 8.

214. There shall be elected on the Tuesday next after the first Monday in May, in the year eighteen hundred and ninety-nine, and upon every fourth year thereafter, from the City at large, a person to be the President of the Second Branch of the City Council, who shall possess the qualifications required and hereinbefore defined, of the Mayor of the City of Baltimore. His duty shall be to preside over the Second Branch of the City Council, and vote on all questions, and perform such other duties as may be prescribed by ordinances not inconsistent with this Article.

Election of
President of
Second
Branch.

Salary.

He shall be paid a salary of three thousand dollars per annum, payable monthly. A joint convention of the two Branches of the City Council, by a majority vote of all the members elected to the City Council, may remove from office the President of the Second Branch for incompetency, wilful neglect of duty or misdemeanor in office, upon charges preferred by the Mayor, and after notice of such charges is given to the President of the Second Branch, and an opportunity afforded him to be heard.

Baltimore City *v.* Gorter, 93 Md. 8.

Removal of.

P. L. L., (1860) Art. 4, Secs. 17, 18. P. L. L., (1888) Art. 4, Secs. 21, 22.

Electors of
members of
Council,
qualifica-
tions of.

215. The qualifications of electors of members of the City Council shall be the same as those of electors of the Mayor. All vacancies in the First Branch shall be filled without delay by the First Branch from the ward in which the said vacancy occurs, by an election of a person possessing the qualifications hereinbefore prescribed, to fill the unexpired term of the former incumbent. If a vacancy occurs in the Second Branch, then said Branch shall forthwith fill said vacancy by the election of a person possessing the qualifications hereinbefore prescribed from the City at large or from the proper Councilmanic District, if there be such District at that time.

Baltimore City *v.* Gorter, 93 Md. 8.

Vacancies in
City Council.

P. L. L., (1860) Art. 4, Sec. 20. 1868, ch. 451. 1888, ch. 397. P. L. L., (1888) Art. 4, Sec. 24.

Council, meet-
ings of.

216. The City Council shall meet on the Thursday next after the third Monday in May, in the year eighteen hundred and ninety- nine, and upon the same day in each year thereafter, and may continue in session for one hundred and twenty days, and no longer, in each year; provided, that they may, by ordinance or resolution, so arrange their sittings that the same may be held continuously or otherwise, and provided further, that the Mayor may convene the City Council in extra session, as he may now do by the fourth section of the eleventh Article of the State Constitution.

Baltimore City *v.* Gorter, 93 Md. 8.

P. L. L., (1860) Art. 4, Secs. 21, 22, 23. P. L. L., (1888) Art. 4, Secs. 25, 26, 27.

217. Each Branch of the City Council may compel the attendance of absent members, in such manner and under such penalties as it may by ordinance provide. The First Branch shall appoint its own President, who shall preside at all its sessions, and shall vote on all questions, and in case of the absence, sickness or other disqualifications of the Mayor and the President of the Second Branch, shall perform all the duties of the office of Mayor during the period in which the sickness, absence or disqualification of said officer shall continue. Each Branch of the City Council shall judge of the election and qualifications of its own members, subject to appeal by petition of the party aggrieved to the Baltimore City Court. With the concurrence of three-fourths of the whole members of either Branch, it may expel any member for disorderly behavior or misconduct in office, but not a second time for the same offense. Each Branch shall adopt its own rules of procedure, not inconsistent with this Article, appoint its own officers, regulate their respective compensation not to exceed in the aggregate the amount appropriated by the ordinance of estimates, and remove them at pleasure. Each Branch shall keep a journal of its proceedings, and enter yeas and nays on any question, resolution or ordinance, at the request of any member, and the deliberations of both Branches shall be public.**

Absent members, attendance of.

President of First Branch; when to act as Mayor.

Each Branch judges of qualifications of its members; appeals.

Expulsions of members.

Rules.

Journals.

Heiskell v. M. & C. C. of Baltimore, 65 Md. 125. Zeiler v. Central Ry. Co. 84 Md. 304. Balto. City v. Gorter, 93 Md. 8. Cf., Murdoch v. Strange, 99 Md. 89.

P. L. L., (1860) Art. 4, Sec. 33. P. L. L., (1888) Art. 4, Sec. 29.

218. The Mayor and City Council of Baltimore shall have power to pass all ordinances necessary to give

Powers of Mayor and City Council of Baltimore.

***Powers of Second Branch City Council.* The Charter having clothed the Second Branch with plenary jurisdiction over an election contest, all the powers necessary to make the jurisdiction effective are not implied as incidentally granted. Rules of procedure are binding only upon members and upon others coming within their sphere. Venable v. Upshur, Daily Record, October 11, 1901.

effect and operation to all powers vested in the corporation of the City of Baltimore.**

P. G. L., (1860) Art. 37, Sec. 48. P. L. L., (1888) Art. 4, Sec. 15.

Printed volumes of ordinances and resolutions as evidence.

219. Ordinances and resolutions of the Mayor and City Council of Baltimore may be read in evidence from the printed volumes thereof published by authority of said corporation.†

Garrett v. Janes, 65 Md. 265. Central Savings Bank v. Baltimore, 71 Md. 523.

MUNICIPAL CORPORATIONS.

****NOTE.**—Synopsis of decisions of the Court of Appeals relating to the power of the Mayor and City Council of Baltimore to pass ordinances under its express and implied powers as well as those relating to powers of municipal corporations generally will be found below within limits consistent with the scope and character of this compilation.

AGENTS OF THE MUNICIPAL CORPORATION.

Adoption of Unauthorized Acts of Agents. The municipal corporation, in the absence of any required legislative formality, may ratify and adopt a contract made by its agents unauthorized, if the subject matter thereof be within its power and control and the contract could have been previously authorized by ordinance.

Baltimore v. Weatherby, 52 Md. 442.

Implied Authority of Agents. From considerations of public policy, public corporations such as states or municipalities, are exempt in a greater degree from responsibility for implied authority founded on the conduct of those whom they employ.

Tome v. Parkersburg, 39 Md. 75.

Unauthorized Acts of Agents. A municipal corporation cannot be held liable for the unauthorized acts of its agents.

Mayor & C. C. of Baltimore v. Eschbach, 18 Md. 276.

No Presumption of Ratification. Cities and other purely municipal corporations * * * * * have neither property or power for purposes of personal aggrandizement * * * * *. They are themselves agents * * * * and are not to be *presumed* to recognize and incidentally ratify and confirm acts of their officers beyond the scope of their authority.

Mayor, etc., v. Reynolds, 20 Md. 1.

†NOTE.—In relation to construction of Sec. 219, *see also*, Shanfelter. v. Mayor, etc., 80 Md. 487. Field v. Malster, 88 Md. 704.

220. The style of all ordinances shall be: "Be it ordained by the Mayor and City Council of Baltimore." Ordaining phrase.

221. Every legislative act of the Mayor and City Council of Baltimore shall be by ordinance or resolution. No ordinance or resolution shall be passed except by a vote of a majority of all the members elected to each Branch, and on its final passage the vote shall be taken by yeas and nays, the names of members voting for and against the same being entered on the journal. Every ordinance Ordinances and resolutions; vote; necessary to pass.

To embrace but one subject.

APPROPRIATIONS.

Appropriations to aid institutions of a benevolent and charitable character not created by municipal power conferred on the Mayor and City Council of Baltimore, are unauthorized.

St. Mary's Industrial School *v.* Brown, 45 Md. 310.

Color Line. The state or a municipality may lawfully grant aid to a private educational institution from which colored people are excluded.

Clark *v.* Maryland Institute, 87 Md. 643.

BALLOTS.

Appointment of Officers. When a municipality is empowered by charter to provide for the appointment of certain officers, and an ordinance provides that these officers shall be chosen by ballot, then, according to the principles of the common law, a blank ballot cannot be counted in estimating the total number of votes cast; and the municipality has no power, to declare by resolution, or adopt by usage, as a rule of procedure, that in the election of officers, a blank ballot shall be counted as a vote.

Murdoch *v.* Strange, 99 Md. 104.

BUILDINGS.

Refusal of Permits. A municipal ordinance authorizing a permit for a new building to be refused at the discretion of a municipal agency because a building to be erected does not conform in general character to the other buildings in the neighborhood of proposed building is void. The Charter powers to regulate buildings in Baltimore City is limited to regulations guarding against dangers arising from unsafe construction or from the use of inflammable materials, or some similar exercise of the police power.

Bostock *v.* Sams, 95 Md. 400.

CITY COUNCIL.

City Council Committees. Rule laid down as to when the investigation of a City Council Committee will not be interfered with.

Williams *v.* Smyrk, Daily Record, Febry. 18, 1895.

When to become effective; third reading.

enacted by the City shall embrace but one subject, which shall be described in its title, and no ordinance shall be revived, amended or re-enacted by mere reference to its title, but the same shall be set forth at length, as in the original ordinance. And no ordinance shall become effective until it be read on three different days of the session in each Branch, unless all the members elected to the Branch where such ordinance is pending shall so determine by yeas and nays, to be recorded on the Journal, and no

Province of the City Council in relation to power to pass ordinances.
Smyrk v. Sharp, 82 Md. 97.

Tax Rate. The City Council is not authorized to fix the tax rate before the report of the Board of Estimates. Right of the City Council to change appropriation proposed in the Ordinance of Estimates.

Baltimore City v. Gorter, 93 Md. 8.

CONTRACTS.

Contracts with the Municipality. The rights, powers and liabilities of a municipality must be considered with reference to the subject matter to which such contracts relate, and the character in which the municipal body acts in making them. But in respect to contracts made by them in the exercise of powers intrusted to them in their municipal character, exclusively for public purposes, courts have no power to review or control their acts, unless they transcend the limits of their delegated powers.

Rittenhouse v. Mayor, 25 Md. 336.

Modification of Contracts. Power of the municipal corporation to modify a contract authorized by the Legislature, *discussed in—*

Cumberland v. Wilson, 50 Md. 138.

Ultra Vires Contracts. When the contract is one which a municipal corporation has no authority to make, and is one which will increase the burden of taxation, then an injunction to prevent its execution may issue at the instance of any taxpayer.

Where a special power is conferred upon officers of a municipal corporation to make a contract, and the terms and conditions upon which the authority is to be exercised are prescribed, there must be at least a substantial compliance with such terms and conditions, or the contract will be invalid.

Baltimore v. Keyser, 72 Md. 109.

Same. When an *Ultra Vires Contract of Municipal Corporation may become valid.* When a contract by a municipal corporation is *ultra vires* it becomes valid when subsequently confirmed by the Legislature, if the

ordinance shall be read a third time until it shall have been actually engrossed for a third reading.

Glenn *v.* M. & C. C. of Baltimore, 5 G. & J. 424, 429. Central Savings Bank *v.* Balto. 71 Md. 523. Baltimore City, *v.* Gorter, 93 Md. 8. *Cf.*, Drennen *v.* Bank, 80 Md. 316. Whitman *v.* Stoll, 80 Md. 417. Baltimore City *v.* Stewart, 92 Md. 547. Sindall *v.* Baltimore City, 93 Md. 526. Hagerstown *v.* Startzman, 93 Md. 612.

222. In case it becomes necessary for the President of the Second Branch to fill the unexpired term of the Mayor,

Election of president of Second Branch in case of vacancy.

contract is one which the Legislature might have originally authorized. An injunction will be granted to protect and secure rights acquired under a lawful municipal ordinance.

C. & P. Telephone Co. *v.* Baltimore, 89 Md. 689.

Same. Not an Impairment of a Contract. A municipal corporation cannot make a contract which deprives subsequent municipal authorities of their legislative power. The *ultra vires* contract of a municipal corporation is not within the provision of the Federal Constitution forbidding the impairment of contracts, because where no valid contract exists, there can be no impairment of its obligation.

Westminster Water Co. *v.* Westminster, 98 Md. 551.

ESTOPPEL.

Application of the Doctrine to a Municipal Corporation. The doctrine of estoppel applied against the city in a case where the act done, was strictly within the powers of the Mayor and City Council of Baltimore, but the corporation failed to comply with some formality or regulation which it should not have neglected.

Rose *v.* Mayor, 51 Md. 256.

FRANCHISES.

Franchises granted by the Legislature cannot be annulled by ordinance of the Mayor and City Council of Baltimore.

Lake Roland Elv. R. R. Co. *v.* Baltimore, 77 Md. 352.

IMPROVEMENTS.

Abandonment of same by City. A municipal corporation has the right to abandon any contemplated improvement and repeal at its pleasure any ordinance providing for the same, and after such abandonment property owners cannot compel the corporation to take and pay for property condemned for such purposes; nor does any action lie for an abandonment merely. But where the owner of property suffered loss or damage by the acts or delay of the corporation in any such case, he is entitled to redress for the same.

Mayor *v.* Musgrave, 48 Md. 272. Lake Roland Elv. R. R. Co. *v.* Baltimore, 77 Md. 352.

as herein provided, the Second Branch shall thereupon elect a new President for the unexpired term, but they shall not elect as such President one of their own number.

LEGISLATURE.

Power to make Valid Defective Municipal Proceedings. The Legislature in an act conferring powers upon a municipal corporation, may make valid previous defective proceedings.

M. & C. C. of Baltimore *v.* Reitz, 50 Md. 574.

Power to make Valid Ultra Vires Contract. The principle that the Legislature may render valid a contract made by a municipal corporation, though *ultra vires* at the time it was made, if the contract is one which the Legislature might originally have authorized, applies with peculiar force to the case of a contract relating to work in which the public is interested and which is for the public benefit after it has been executed.

O'Brian *v.* Baltimore County, 51 Md. 15.

LICENSES.

Power to Impose License Fees. A municipal corporation is not authorized to impose license fees or taxes upon particular trades or industries, unless the power to do so has been conferred upon the municipality by the State.

Cambridge *v.* Water Co., 99 Md. 503.

MARKETS.

Police Power. The right to regulate markets is a police power.

State *v.* Rowe, 72 Md. 548.

MAYOR AND CITY COUNCIL OF BALTIMORE.

Nature of the Corporation. The Mayor and City Council of Baltimore are but trustees of the public; the tenure of their office impresses their ordinances with liability to change. They could not, if they would, pass an irrevocable ordinance. The corporation cannot abridge its legislative powers.

State *v.* Graves, 19 Md. 351. Lake Roland Elv. R. R. Co., *v.* Balto., 77 Md. 352.

Public Convenience and Welfare. When the power is conferred upon the Mayor and City Council of Baltimore to do certain acts when, in its opinion, "the public convenience and welfare require it," its judgment upon the question is final.

Mayor, &c., of Balto. *v.* Clunet, 23 Md. 450.

ORDINANCES.

Compilation of Ordinances. It is competent for a municipal legislature by a single ordinance to declare any compilation of ordinances or

MISCELLANEOUS LOCAL LAWS.**

ARBITRATION—COURT OF

1878, ch. 383. P. L. L., (1888) Art. 4, Sec. 65.

223. The Board of Trade shall have power and authority to create and organize within itself a Court of Arbitration for the adjudication and settlement, according to the principles of law, equity and commercial usage, or of either, applicable thereto, of any and all controversies concerning or growing out of contracts of sale, manufacturing or letting on rent; of the making or negotiating or transfer of bills of exchange, promissory notes, bills of lading, railroad, warehouse or similar receipts, and other such commercial paper; of guaranties, of agency, of bailment, of partnership, of insurance, of affreightment, or of any other transaction, of whatever specific class, pertaining

Board of Trade to organize court of, to decide controversies between its members.

proposed ordinances to be in force, in the absence of a statutory prohibition.

Garrett v. Janes, 65 Md. 260.

Construction of Ordinances. A municipal corporation may pass an ordinance within the limits of its delegated powers, contingent as to its operation and effect on the existence or occurrence of facts germane to its subject matter. The same general rules of construction which govern the interpretation of Acts of the Legislature are equally applicable to the legislative acts of a municipal corporation.

Mayor v. Hughes, 1 G. & J. 480. State ex. rel. Mayor v. Kirkley et al, 29 Md. 85.

General Ordinances. Rights of a citizen under general ordinances—When a citizen is entitled to certain rights under a general municipal ordinance, he cannot be deprived of them by a resolution of the City Council which excepts him from the operation of the ordinance, but leaves it in force.

Gallagher v. Flury, 99 Md. 181.

New Charter.—Its effect upon existing ordinances.

Bostock v. Sams, 95 Md. 400.

**NOTE.—As to rule when Public Local and Public General laws conflict, see, Everett v. Avery, 19 Md. 143. Mayor v. Groshon, 30 Md. 436. Cooper v. Holmes, 71 Md. 20. McCracken v. State, 71 Md. 54. State v. Falkenham, 73 Md. 466, 467. Hooper v. Creager, 84 Md. 259. Herbert v. Co. Com'rs, Balto. Co., 97 Md. 639.

Controversies
to be sub-
mitted in
writing.

to trade, commerce, navigation, manufactures or mechanical arts, or business connected with any of these, or contracts for personal work, labor and service done or rendered, or to be done or rendered, in and about the pursuit and transactions of trade, commerce, navigation, manufactures or mechanical arts, one or more of the parties to which controversies is or are members of the said corporation, in all cases wherein such controversy is by the consent of all the parties thereto, signified by a submission in writing, referred for adjudication and settlement to said court.

Ordinance of Estimates. Powers of City Council and Board of Estimates in relation thereto under the New City Charter.

Baltimore City *v.* Gorter, 93 Md. 8.

Ordinances. An ordinance has all the force of statute law upon the City itself and all its citizens, and it can no more be ignored by the municipal corporation or any of its branches of government, than it could be by the humblest citizen.

Bond *v.* Malster, Daily Record, July 6, 1899.

Preamble of Ordinance or Statute, may be a key to its proper construction and interpretation.

Mayor *v.* Moore, 6 H. & J. 381.

Recitals in Ordinances of Basis of Power Unnecessary. Where the power actually exists to pass an ordinance, no power need be stated therein as its basis.

Methodist Protestant Church *v.* Mayor, &c., 6 Gill 391. Baltimore *v.* Ulman, 79 Md. 384.

Repealing Ordinances. A repealing ordinance cannot affect or destroy any right which was acquired under the first ordinance before its repeal.

McMechin *v.* Mayor, 2 H. & J. 41; 3 H. & J. 534.

Same. Priority Between Ordinances. Repeal of ordinances by implication.

Smyrk *v.* Sharp, 82 Md. 97.

Validity of Ordinances. An ordinance is not invalid and void simply because in its passage the rules of procedure of the City Council have been violated, and the Court cannot inquire into such violation.

Zeiler *v.* Hooper, Daily Record, September 23, 1896.

Violation of Municipal Ordinances. When restrained. The violation of a municipal ordinance will not be restrained by injunction at the instance of a party who does not show that such violation will work some special or irreparable injury to him.

King *v.* Hamill, 97 Md. 103.

1878, ch. 383. P. L. L., (1888) Art. 4, Sec. 66.

224. In order to the due and effective execution of the power in the next preceding section granted, the said corporation shall have the further power, either directly in corporate meeting, whether the regular annual meeting or a special meeting called for the purpose by reasonable notice to all the members, of the time, place and object thereof, by advertisement in one or more of the daily newspapers of the City of Baltimore, or else by delegation, in such meeting, by rule or otherwise, made through the

To elect a judge to carry out powers of the court.

Void Ordinances. Where a municipal corporation is seeking to enforce a void ordinance, a court of equity has jurisdiction, at the suit of any person injuriously affected thereby, to stay its execution by injunction.

Baltimore *v.* Radecke, 49 Md. 217. Baltimore *v.* Scharf, 54 Md. 526. Deems *v.* Mayor & C. C. of Balto., 80 Md. 172.

POWERS OF MUNICIPALITY.

Definition and Discussion of the Various Municipal Powers. Control of the Legislature over corporate powers.

M. & C. C. of Baltimore *v.* State, 15 Md. 376. Glenn *v.* Mayor, 5 G. & J. 424.

A Municipal Corporation cannot abridge, diminish or enlarge its own powers by a rule made by itself.

Heiskell *v.* M. & C. C. of Baltimore, 65 Md. 125.

Construction of Powers. The powers of a public corporation are to be strictly construed.

Baltimore *v.* Gill, 31 Md. 375.

Delegated Powers.

Mayor, &c., *v.* Hughes, 1 G. & J. 480.

Exercise of Powers. Ordinances passed in exercise of particular powers. The exercise of a power delegated to the municipality for the public good, is imperative and not discretionary. What constitutes a valid exercise of a power delegated to the Mayor and City Council of Baltimore.

Glenn *v.* Mayor, 5 G. & J. 424. Mayor, &c., *v.* Marriott, 9 Md. 160. Deems *v.* M. & C. C. of Baltimore, 80 Md. 172.

Same. Power to Provide for Exercise of a Delegated Power. The possession of a power by a corporation to do an act, is of itself the possession of the right to provide for the doing of the act by agents. But the giving of a power to a corporation, and the authority to provide for the exercise of the power, are different. The authority to provide for

officers and directors, constituting the Board of Directors or management of said corporation, in either case by the concurring votes of a majority of the members of said corporation or Board of Directors, as the case shall be, present at such meeting of the one or the other for the purpose—provided there be then and there a quorum present, as constituted by the Constitution, Articles of Association or By-Laws of the said corporation or Board of Directors—from time to time to elect from among those persons who

the exercise of a power not being the possession of the power itself, but a right only to confer it, or to authorize the exercise of it by others.

Mayor, &c., Balto. v. Howard, 6 H. & J. 389.

Legislature. When the Mayor and City Council of Baltimore are presumed to have all the power of the Legislature in a particular case.

Harrison v. Mayor, 1 Gill. 264.

Limitation on Exercise of Municipal Powers. The corporate authorities of the City can exercise no power which is not, in express terms, or by fair and reasonable implication, conferred upon the corporation.

St. Mary's Industrial School v. Brown, 45 Md. 310.

Police Power. The powers of the municipality in relation to streets is classed as belonging to the police power; it is the duty of the City to preserve them for legitimate purposes.

Lake Rol. Elv. R. R. Co. v. Balto., 77 Md. 352. Deems v. M. & C. C. of Balto., 80 Md. 172.

Power to Regulate does not include Power to Prohibit. The power given to a municipality to regulate the manner of doing a thing, does not include the power to prohibit altogether the doing of the thing. The power given by statute to the Mayor and City Council of Baltimore to regulate the manner of appointing persons to office under the corporation does not embrace a power to destroy the right of the Mayor to nominate such officers, subject to confirmation by the City Council, when such right is expressly conferred by statute upon the Mayor.

Hooper v. Creager, 84 Md. 256.

QUORUM.

A Majority of a legislative body is in all cases a quorum, entitled to act for the whole, except when the power that created it has otherwise directed. A majority of the members of each Branch of the City Council of Baltimore is a quorum.

Zeiler v. Central Ry. Co., 84 Md. 304.

have been, or before any such election shall have been, admitted to practice law in this State, one learned in the law and possessing such other qualifications as the said corporation shall, by rule or regulation, as hereinafter empowered, prescribe, whether such person be a member of said corporation or not, unless otherwise provided by such rule or regulation, as Judge of the said Court of Arbitration, and also to elect in like manner, or to provide for the election or appointment of a Clerk of the said Court; and Also, a Clerk. shall have power also, by rules and regulations duly adopted by the said corporation in such corporate meeting as aforesaid, or by the delegation of said corporation in such meetings made by its said Board of Directors to define the duties, powers and functions of the said Judge and of the said Clerk, and of any other members or officers of the said Court of Arbitration provided for as hereinafter is authorized, and to determine the jurisdiction of the said Judge, To define powers, etc., of said judge and Clerk. original and appellate, whether sitting alone or with laymen, members of the said corporation associated with him, and to fix the term of time for which the said Judge and the said Clerk, respectively, shall be elected, and the terms and conditions upon which each shall hold or continue to hold his office, and the amount and mode of the compensation of each, not to be diminished, however, during the currency of the term of office; to provide for the appointment of temporary substitutes for the said Judge and the said Clerk, or either, when from any cause this shall be necessary for the prompt administration of the justice of Lay arbitrators. the court, and also for the appointment of lay arbitrators

TAXING POWER.

Belongs to Legislature. The taxing power belongs to the Legislature and it will not be held as conferred upon a municipal corporation unless it be by express and unequivocal language or necessary implication.

State v. Rowe, 72 Md. 548.

ULTRA VIRES ACTS.

Incapable of Ratification. Where the Mayor and City Council of Baltimore has no power to authorize an act to be done, it being *ultra vires*, it has no power to adopt it after it is done.

Horn v. Mayor, 30 Md. 218.

To prescribe
procedure of
hearings of.

To regulate
costs and
fees.

as members of the said corporation, for the hearing and determination of a particular case, either in the first instance with right to the parties, or either of them, to appeal to the said Judge, or as assessors associated with the said Judge when parties so choose, and to define, in such cases, the powers, duties and authority of such lay arbitrators or assessors ; and also prescribe the forms and modes of application, procedure, pleading, practice, trial and process in the said court, in all the necessary details thereof, and the effect of the awards and judgments or decisions of the said court, as to the finality or conclusiveness or otherwise thereof, and the methods and means of securing compliance therewith by the parties ; and also to regulate the costs and fees to be paid by the parties to any such controversy so submitted, and the amount and time and manner of payment thereof, and the disposition of such costs and fees ; provided, however, that no such rule or regulation shall be valid if it shall be contrary to the general law of the State, or to natural right or sound reason, or to be intended to provide for enforcing payment or other performance of the award, judgment or decision of the said Court or Board of Arbitration by any final process of execution otherwise than is directed in the succeeding section.

1878, ch. 383. P. L. L., (1888) Art. 4, Sec. 67.

Judgment, how
enforced.

225. When, in any such case so submitted as is hereinbefore provided, an award, judgment or decision shall have been rendered by the said Court or Board of Arbitration, that is, according to the rules and regulations hereinbefore authorized, final and conclusive upon the parties, and shall have been recorded by the Clerk of the said Court in a book to be provided and kept for the purpose within a time limited therefor in the said rules and regulations, the successful party shall have the right to have the said original award, judgment or decision in writing, signed by those members of the said Court or Board concurring therein, and duly certified by the Clerk to be the original award, judgment or decision, under his hand and seal of the corporation ; and if the said award, judgment or decision,

shall be for the recovery by the one party and payment to him by the other, of a certain sum of money, the said successful party shall, upon his filing the said award, judgment or decision so certified, with the Clerk of the Superior Court of Baltimore City, or at his option with the Clerk of the Court of Common Pleas of said City, have the right to have the same entered by its proper style, in the name of such successful party as plaintiff, against the losing party as defendant, in its order of time, upon the court calendar or docket of causes to be called at the next succeeding term or rule day of said court, whichever shall first occur, and upon the call thereof in its course, to have judgment at once ordered and entered up, as upon a verdict for the recovery of the same amount, according to the practice or said court, and to have process of execution for its enforcement and satisfaction in all respects as if the said amount had been recovered by a judgment of the said court in a regular suit between the same parties in the same relative position on the record, there instituted and prosecuted in the ordinary modes of proceeding therein; but if the said award, judgment or decision shall be for the recovery by the one party, and the surrender or delivery by the other to him of the possession of specific property, the said successful party, upon filing such award, judgment or decision, so certified as aforesaid, with the Clerk of the Circuit Court of Baltimore City, or such other court therein as shall at the time have jurisdiction there of causes in equity, shall have the right, on or at any time after the first day of the next succeeding term, or on or at any time after the next succeeding rule day of the said court, whichever shall first occur, to have, upon motion therefor, an order made by the said court, affirming the said award, judgment or decision, and making the same a decree of the said court, and to have the same enforced, if the recovery be of the possession of land, freehold or leasehold, by a writ in the nature of a writ of *habere facias possessionem*, such as the said Court is authorized to issue for the purpose of putting a purchaser under its decree in possession of the land purchased by him, and to be executed in the same manner

To be entered
by Clerk of
Superior
Court or
Court of
Common
Pleas.

Verdict for re-
covery and
execution
thereon.

Where judg-
ment is for
recovery of
property.

Writ of possession may issue.

and by the same officer against such losing party to such award, judgment or decision, and any and all and every other person in possession of said land, claiming the same by virtue of a title derived from, through or under such losing party, and acquired subsequently to the date of such award, judgment or decision, which said writ the said court is authorized and empowered to issue for this purpose upon application in writing of such successful party to the said award, judgment or decision, in person or by attorney, verified by the affidavit of himself or his attorney, unless good cause to the contrary shall be shown by such party in possession within not less than fifteen or more than thirty days after notice in writing of such application served upon such party in possession in person ; and if the recovery be of the possession of personal chattels, by such process of execution and compulsion as in the chancery practice of this State, is usual and proper for the enforcement of a decree for the specific delivery of personal chattels.

ARBITRATION COMMITTEE OF THE CORN AND FLOUR EXCHANGE.

1870, ch. 136. P. L. L., (1888) Art. 4, Sec. 68.

Election of Committee.

226. The Board of Directors of the Corn and Flour Exchange shall annually elect by ballot, five members of the association, who are not members of the Board, as a committee, to be known as the Arbitration Committee of the Baltimore Corn and Flour Exchange. The Board of directors may, at any time, fill any vacancy in said committee for the remainder of the term in which such vacancy may happen. The duty of the Arbitration Committee shall be to hear and decide any controversies which may arise in business between the members of said organization or said members and other persons as may be voluntarily submitted to the said committee for arbitration ; and such members and persons may by an instrument in writing, signed by them and attested by a subscribing witness, agree to submit to the decision of said committee any such

To hear controversies submitted in writing.

controversy so arising as might be the subject of an action at law or in equity, except claims of title to real estate.

1870, ch. 136. P. L. L., (1888) Art. 4, Sec. 69.

227. The mode of proceeding of said Arbitration Committee, shall be regulated by the by-laws of the corporation, which shall be substantially complied with in all cases, without prejudice, however, to any award from merely formal irregularity. The said committee shall have power to apply to any Justice of the Peace for the City of Baltimore to issue *subpoenas* and other compulsory process to procure the attendance of witnesses before it; and all justices so applied to in writing, signed by the chairman or acting chairman of said committee, shall issue such process forthwith, the cost of the same, and of the attendance of the witnesses so summoned, to be the same as in civil suits before such justices, and to be collectible from the parties on whose behalf the said witnesses shall be summoned and attend, in the same manner and by the same means, as if adjudged to be paid by a judgment of the justice who shall act in the premises in a civil suit between the same parties depending before him. A majority of said committee may act in all cases, and a majority of such majority shall have power to render an award in the name of and as an act of the committee. No dissenting award or opinions shall be rendered or placed among the proceedings, or upon the records of the committee or the corporation; the award of the committee rendered in conformity herewith, and as prescribed by the by-laws, shall be conclusive on all parties to the submission. It shall in all cases be in writing, signed by the members of the committee who agreed upon it, and filed among the proceedings of the committee, but copies shall be given by the secretary, with his attestation and the seal of the corporation attached, to the respective parties, as soon as may be after said award shall have been rendered.**

Procedure and practice before said Committee.

Award to be in writing.

****NOTE.**—As to setting aside an award under arbitration, *see*, Mitchell *v.* Price, Daily Record, February 10, 1894. In relation to arbitration and award, *see also*, Roberts *v.* Consumers' Can Co., 102 Md. 362.

1870, ch. 136. P. L. L., (1888) Art. 4, Sec. 70.

Award by agreement in writing may be final and be enforced by writ of execution.

228. If the parties to any submission shall agree to do so they may stipulate as part of said submission, in writing, that the award of the committee rendered in conformity herewith and with the by-laws, shall stand and avail as against them to the same effect as a judgment or decree of a court of competent jurisdiction, in which case either party desiring and entitled to the enforcement of said award, may file a copy of the same and of the submission, attested under seal by the secretary of the corporation, for record with the clerk of any court of this State having jurisdiction of the subject-matter, and the person against whom said enforcement is sought ; and thereupon it shall be the duty of said court, on motion or application, *ex parte*, at any time after ten days from the filing of the award, to enter judgment or decree thereupon, as upon a final award made by referees under rule of court ; upon which judgment or decree, execution shall issue without stay. No matter affecting the title of real estate, however, shall be submitted to or arbitrated by the said committee under this or the preceding section, but the committee may direct in its award the payment of the costs and expenses of the arbitration, and the amount thereof shall be embraced as a principal sum in the judgment or decree to be rendered ; if awarded, to be paid by the party against whom such judgment or decree is sought. No judgment or decree rendered on any such award shall be liable to be stayed, except upon allegation, under oath of the defendant, of manifest fraud in the procurement or rendition of the award, or of a material and substantial failure of the committee specifically alleged and set forth, to comply with the by-laws or sections 226 or 227, in the hearing and determination of the matters submitted ; nor shall any such judgment or decree be quashed, modified or stricken out, except upon satisfactory proof of the matters so required to be so alleged ; neither shall there be any appeal in any case from the original judgment, order or decree, whereby, after a hearing of the allegations and proofs as aforesaid, the said original judgment or decree shall be maintained.

No jurisdiction in matters affecting title to real estate.

Stay of judgment; striking out judgments; appeals.

ASSAULT AND BATTERY.

P. L. L., (1860) Art. 4, Sec. 155. P. L. L., (1888) Art. 4, Sec. 71.

229. Any person who shall, without any provocation, assault and beat any person in any of the streets, lanes, alleys or highway of the City of Baltimore, or at any place of public resort or amusement, between the hours of six o'clock in the evening and six o'clock the following morning, or who shall counsel, aid or abet in such assault and battery, shall be fined in a sum not less than twenty-five dollars and be imprisoned not less than one month, or the Judge of the Criminal Court of Baltimore City, or the judge having jurisdiction of the offense, may, in his discretion, sentence the person convicted of such offense to confinement in the penitentiary for a period not less than six months nor more than two years.

Between 6
P. M. and
6 A. M.

Penalty.

P. L. L., (1860) Art. 4, Sec. 156. P. L. L., (1888) Art. 4, Sec. 72.

230. It shall not be necessary to state with more particularity than is now necessary in proceedings for assaults and batteries, the time or place of such assault and battery in the recognizance or commitment on which the said person is tried, but the said person may be tried on a recognizance or commitment for a common assault and battery, and shall be sentenced by the court according to the facts proved at the trial.

Pleadings,
necessary
averments.

P. L. L., (1860) Art. 4, Sec. 157. P. L. L., (1888) Art. 4, Sec. 73.

231. In case the said person is tried upon a presentment or indictment, it shall only be necessary to allege in the presentment or indictment that the offense was committed between the hours aforesaid, and that it was committed on a highway in the City of Baltimore, or at a place of public resort or amusement, without setting forth said highway or place of public resort or amusement by name.

Presentment or
indictment,
necessary al-
legations.

AUCTIONS.

232. Repealed by Act of 1900, Chapter 208.

233. Repealed by Act of 1900, Chapter 208.

234. Repealed by Act of 1900, Chapter 208.

P. L. L., (1860) Art. 4, Sec. 88. P. L. L., (1888) Art. 4, Sec. 77.

Duties, how
calculated
and paid.

235. The duties shall be calculated on the sums for which the property or goods so exposed to sale shall be respectively struck off, and shall in all cases be paid by the person making the sale.

State v. Hoboken Bank, 84 Md. 325.

P. L. L., (1860) Art. 4, Sec. 89. P. L. L., (1888) Art. 4, Sec. 78.

No duties on
private sales.

236. No duties shall be chargeable upon any goods, wares, merchandise or other property sold by any auctioneer at private sale on the days of his public auction, or unless the same be part of what was offered for sale at said public auction or was advertised to be sold thereat.

P. L. L., (1860) Art. 4, Sec. 90. P. L. L., (1888) Art. 4, Sec. 79.

Duty lien on
real estate.

237. The duty imposed on all sales of lands, tenements and hereditaments, or of any interest therein, at public auction in the City of Baltimore, shall be a lien on the said property when sold as aforesaid.

State v. Hoboken Bank, 84 Md. 325.

P. L. L., (1860) Art. 4, Sec. 91. P. L. L., (1888) Art. 4, Sec. 80.

Purchaser to
pay duty.

238. Every purchaser of lands, tenements or hereditaments, or of any interests therein, purchased at public auction in the City of Baltimore, shall be bound to pay the auction duty on such sale and be entitled to claim the said payment as a credit on his purchase as aforesaid.

State v. Hoboken Bank, 84 Md. 325.

P. L. L., (1860) Art. 4, Sec. 92. P. L. L., (1888) Art. 4, Sec. 81.

Sale to highest
bidder.

239. All goods and property, of what kind soever, shall in all cases be struck off to the highest bidder; and where the auctioneer or owner, or any person employed by them

or either of them, shall be such bidder, the goods or property shall be subject to the same duties as if struck off to any other person; but this section shall not be construed to render valid any sale that would otherwise be deemed fraudulent and void.

Warehime v. Graf, 83 Md. 98.

P. L. L., (1860) Art. 4, Sec. 93. P. L. L., (1888) Art. 4, Sec. 82. 1894, ch. 350.

240. The Governor, by and with the advice and consent of the Senate, shall biennially appoint as many auctioneers in the City of Baltimore as he may think proper, not to exceed thirty. Governor to appoint auctioneers.

P. L. L., (1860) Art. 4, Sec. 94. P. L. L., (1888) Art. 4, Sec. 83.

241. Each person so appointed, the amount of whose sales of goods, wares, merchandise and personal property of every kind, exclusive of his real estate sales and sales of houses, shall not exceed the sum of one hundred and fifty thousand dollars, shall, before entering upon the duties of his office, enter into a recognizance to the State, with two sufficient securities, in the sum of five thousand dollars, conditioned for the payment of the duties hereinbefore mentioned to the Treasurer of Maryland, and that he shall in all things well, truly and faithfully behave and conform himself according to the true intent and meaning of this law; and shall also pay to the Treasurer of Maryland the sum of four hundred and fifty dollars, as a license. Sales under \$150,000. Recognizance. License.

McMechin v. Mayor, 2 H. & J. 41. *McMechin v. Mayor*, 3 H. & J. 534.

P. L. L., (1860) Art. 4, Sec. 95. 1872 ch. 249. P. L. L., (1888) Art. 4, Sec. 84.

242. Any auctioneer paying the license fee, and executing the bond prescribed in the preceding section, may make sales of every description of goods, wares and merchandise of every kind, and real estate, and may exercise all the rights and privileges of a general auctioneer to the extent and amount of the sum prescribed in said section; and he shall make, under oath, quarterly returns Licensee to exercise rights of general auctioneer.

To make quarterly returns to Comptroller. to the Comptroller of the City of Baltimore, showing the full amount of his sales of every kind, distinguishing his sales of goods, wares and merchandise, and personal effects of every kind, from his sales of real estate and houses; and if any auctioneer under said license shall sell any amount exceeding the sum named in the last preceding section, he shall be subject to all the penalties hereinafter imposed upon auctioneers who shall sell without license.**

Penalty.

P. L. L., (1860) Art. 4, Sec. 96. P. L. L., (1888) Art. 4, Sec. 85.

Sales over \$150,000. **243.** Each auctioneer so appointed whose sales of goods, wares and merchandise, and personal effects of every kind, exclusive of his real estate sales and sales of houses, shall exceed the sum of one hundred and fifty thousand dollars, shall, before he enters upon the duties of his office, enter into a recognizance to the State, with two sufficient securities in the sum of ten thousand dollars, conditioned as hereinbefore prescribed, and shall pay to the State Treasurer the sum of seven hundred and fifty dollars as a license fee.

Recognizance.

License.

P. L. L., (1860) Art. 4, Sec. 97. P. L. L., (1888) Art. 4, Sec. 86.

Auctioneer of books, maps, prints. **244.** If any person so appointed shall desire to pursue the business of an auctioneer for the sole purpose of selling books, maps or prints, by day or by night, he shall be entitled to do so by first entering into a recognizance to the State, with two sufficient securities in the penalty of five thousand dollars, conditioned as hereinbefore prescribed, and by paying to the State Treasurer the sum of one hundred and fifty dollars.

P. L. L., (1860) Art. 4, Sec. 98. P. L. L., (1888) Art. 4, Sec. 87.

Auctioneer for vending horses carriages, etc. **245.** If any person so appointed shall desire to pursue the business of an auctioneer for the sole purpose of vending

**NOTE.—This section has been modified to conform to the changes in the law made necessary by the repeal of section 233 of this Article, by Act 1900, ch. 208.

horses and carriages, he shall be entitled to do so by first entering into a recognizance to the State, with two sufficient securities in the sum of one thousand dollars, and paying to the State Treasurer the sum of fifty dollars as a license fee.

P. L. L., (1860) Art. 4, Sec. 99. P. L. L., (1888) Art. 4, Sec. 88.

246. A license may, on the request and with the consent of the party, be issued by the State Treasurer, *nunc pro tunc*, so as to avail him for a year from the day on which his license expired, or in such manner as to avail him for any part of the interval the applicant may desire ; but no license issued under this section shall acquit the party obtaining it of any penalty hereby imposed for selling without license, if prosecution therefor shall have been commenced before such license was obtained.

*License nunc
pro tunc.*

P. L. L., (1860) Art. 4, Sec. 100. P. L. L., (1888) Art. 4, Sec. 89.

247. In case of the death of any auctioneer before the time limited in his license has expired, his co-partner or co-partners, if he has any, or his personal representative, may continue to act under the license for the unexpired term.

*Death of licen-
see.*

P. L. L., (1860) Art. 4, Sec. 101. P. L. L., (1888) Art. 4, Sec. 90.

248. All recognizances directed to be taken by this sub-division of this Article shall be taken by the Clerk of the Court of Common Pleas, and duplicates shall be made of the record of every such recognizance by said clerk, one whereof shall be delivered or be caused to be delivered by such auctioneer to the State Treasurer, within ten days after the date of such record, and the other shall be retained by said clerk, who shall be entitled to demand for the same from the auctioneer the sum of one dollar.

*Recognizances,
how taken.*

P. L. L., (1860) Art. 4, Sec. 102. P. L. L., (1888) Art. 4, Sec. 91.

249. The State Treasurer, on his being satisfied that the recognizance herein required has been entered into by any of the persons appointed auctioneers by the Governor,

*When State
Treasurer to
issue license.*

and upon his receiving the license fee required from such person, shall issue a general or special license to such person as the person may be entitled to, for the term of one year from the date of such license.

P. L. L., (1860) Art. 4, Sec. 103. 1872, ch. 249.

P. L. L., (1888) Art. 4, Sec. 92.

Penalty for
selling with-
out appoint-
ment.

250. If any person not appointed and authorized in the manner herein directed, nor by nor under some official authority under the laws of the United States, shall sell or attempt to sell any goods, wares, merchandise or effects of any kind, real estate or vessels, in the City of Baltimore, by public auction, he shall be considered guilty of a misdemeanor, and shall be subject to presentment and indictment in the Criminal Court of Baltimore, and shall on conviction, be fined in a sum not exceeding five hundred dollars nor less than one hundred dollars, or be imprisoned for a term not exceeding three months, or both, at the discretion of the court.

P. L. L., (1860) Art. 4, Sec. 104. 1872, ch. 249.

P. L. L., (1888) Art. 4, Sec. 93.

Penalty for
selling with-
out recogni-
zance and li-
cense.

251. If any auctioneer shall sell any goods, wares, merchandise or effects or vessels, by way of public auction, without having entered into the recognizance and paid the license fee hereinbefore required, he shall be deemed guilty of a misdemeanor, and shall be subject to presentment and indictment in the Criminal Court of Baltimore, and on conviction thereof shall be fined in a sum not exceeding one hundred dollars nor less than fifty dollars for each and every article so exposed for sale.

P. L. L., (1860) Art. 4, Sec. 105. P. L. L., (1888) Art. 4, Sec. 94.

Penalty for
sales with-
out author-
ity.

252. If any auctioneer shall sell any goods or property other than such as he is authorized to sell by the terms of his license, he shall be deemed guilty of a misdemeanor, and shall be subject to presentment and indictment in the Criminal Court of Baltimore, and on conviction thereof

shall be fined in a sum not exceeding one hundred dollars, nor less than fifty dollars for each and every article so sold.

P. L. L., (1860) Art. 4, Sec. 106. P. L. L., (1888) Art. 4, Sec. 95.

253. If any person commissioned as auctioneer shall neglect to take out a license within twenty days after his commission shall have been forwarded to him by the Governor, such commission shall be deemed null and void, and the Governor shall appoint some other person to supply the vacancy in the number of auctioneers caused by such neglect.

Failure to take out license, penalty.

P. L. L., (1860) Art. 4, Sec. 107. P. L. L., (1888) Art. 4, Sec. 96.

254. The recognizance herein required shall be annually renewed.

Annual renewal of recognizances.

P. L. L., (1860) Art. 4, Sec. 108. P. L. L., (1888) Art. 4, Sec. 97.

255. If any surety of any auctioneer shall remove from this State or become insolvent the State Treasurer shall demand other surety in his place; and if the auctioneer shall neglect or refuse to give other security within three days after such demand is made his license shall thenceforth be null and void to all intents and purposes as if the same had never been granted, and the State Treasurer shall immediately give public notice thereof in two or more public newspapers published in said City.

New security upon removal from State or insolvency of surety.

P. L. L., (1860) Art. 4, Sec. 109. P. L. L., (1888) Art. 4, Sec. 98.

256. If any auctioneer appointed under this sub-division of this Article shall accept at any time during the continuance of his appointment, an appointment as auctioneer from any other State he shall be deemed to have forfeited his appointment under this sub-division of this Article.

Forfeiture of appointment if auctioneer accepts an appointment from another State.

P. L. L., (1860) Art. 4, Sec. 110. P. L. L., (1888) Art. 4, Sec. 99.

257. Every auctioneer in said City shall designate in writing his partner or partners, if any are engaged with him in his said business, and the houses or stores occupied

Partners to be named in writing.

by him for the transaction of auction business, and shall deposit such writing with the State Treasurer ; and if any auctioneer in said City shall enter upon the duties of his office before so doing he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not exceeding five hundred dollars ; and it shall be the duty of the court before whom such conviction is had, to transmit forthwith a particular report thereof to the Governor, who may in his discretion, inhibit, during his pleasure, the person convicted from acting as auctioneer.

Penalty for failure.

P. L. L., (1860) Art. 4, Sec. 111. P. L. L., (1888) Art. 4, Sec. 100.

Mayor to designate places for sale of horses and carriages.

258. The Mayor of the City may designate the place or places for the sale of horses and carriages and make such regulations in respect to the time and manner of selling horses and carriages at auction, and the riding and driving of such horses and carriages, as he shall deem best calculated to promote public convenience and protect the persons of individuals from danger.

P. L. L., (1860) Art. 4, Sec. 112. P. L. L., (1888) Art. 4, Sec. 101.

Registry of such sales.

259. Every auctioneer appointed and licensed for the sale of horses shall keep a registry of all horses sold by him, specifying a description of the horse sold, the sum for which he sold, and the name and residence of the seller and buyer, and shall deposit such registry, with an oath of the truth thereof, at the end of each year with the Clerk of the Court of Common Pleas.

Deposit of registry at end of each year.

P. L. L., (1860) Art. 4, Sec. 113. P. L. L., (1888) Art. 4, Sec. 102.

Commission on sales of books, etc.

260. No auctioneer specially licensed for selling books, maps or prints shall be entitled to demand or receive, without a previous agreement to the contrary, from any person, directly or indirectly, a commission exceeding seven dollars and fifty cents for every hundred dollars of the purchase money arising from such sales, exclusive of all duties.

P. L. L., (1860) Art. 4, Sec. 114. P. L. L., (1888) Art. 4, Sec. 103.

261. No auctioneer licensed to sell to the amount of one hundred and fifty thousand dollars, without a previous agreement to the contrary, shall be entitled to demand or receive for his services, directly or indirectly, a commission exceeding four dollars clear of all duties, for every hundred dollars of the purchase money arising from such sales. **

Commissions on sales up to \$150,000.

P. L. L., (1860) Art. 4, Sec. 115. P. L. L., (1888) Art. 4, Sec. 104.

262. No auctioneer, licensed generally for the sale of goods, wares and merchandise, exceeding one hundred and fifty thousand dollars, without a previous agreement to the contrary, shall be entitled to demand or receive for his services, directly or indirectly, a commission exceeding two dollars, clear of all duties, for every hundred dollars of the purchase money arising from such sales, except upon sales of furniture and wearing apparel, upon which they shall be entitled to receive four dollars, clear of duties, for every hundred dollars arising from such sales; and except also upon the sales of books, stationery, maps and prints, upon which they shall be entitled to receive seven dollars and fifty cents, clear of duties, for every hundred dollars arising from such sales; and upon these articles the auctioneer mentioned in the preceding section may charge a similar amount.

Commissions on sales in excess of \$150,000.

Exceptions.

P. L. L., (1860) Art. 4, Sec. 116. P. L. L., (1888) Art. 4, Sec. 105.

263. Any auctioneer who shall receive or accept any greater or higher reward for his services than is authorized by this sub-division of this Article, shall forfeit the sum of five hundred dollars for every offence, to be recovered in the name of the State by suit, or by indictment in the Criminal Court, one-half to the use of the State and the other half to the use of the party prosecuting for the same.

Penalty for excessive charges.

**See *decisions of* Brown, C. J., in the City Court, March, 1874, in cases, *Henry Linker v. Woodville and Norman*, and *Grotjan and Mitchell v. Emerick*.

P. L. L., (1860) Art. 4, Sec. 117. 1872, ch. 249.

P. L. L., (1888) Art. 4, Sec. 106.

Who may sell
under auc-
tioneer's li-
cense.

264. No auctioneer shall authorize or permit any person whatever to sell any property of any description whatever, under and by virtue of his license, unless the person so authorized or permitted is actually and *bona fide* in the employment of such auctioneer, and is actually and *bona fide* a resident of Baltimore City at the time of such employment, and the commissions on such sales are actually and *bona fide* for the benefit of such auctioneer; and no license shall be construed to authorize the holder to sell at more than one regular establishment, but an auctioneer may sell public stocks, houses, lots and furniture, or ships or vessels, on the premises where the same may be, or at the exchange, or goods in the original form and packages as imported, and bulky articles, such as have been usually sold in warehouses or in the public streets or on the wharves, at such other places within the City as shall be desired by the owner or importer of such bulky articles or imported goods.

P. L. L., (1860) Art. 4, Sec. 118. 1872, ch. 249.

P. L. L., (1888) Art. 4, Sec. 107.

Penalty.

265. If any auctioneer shall violate any of the provisions of the last preceding section he shall be deemed guilty of a misdemeanor for every such violation, and shall be subject to presentment and indictment in the Criminal Court of Baltimore and on conviction thereof shall be fined in a sum not exceeding two hundred dollars, nor less than one hundred dollars.

P. L. L., (1860) Art. 4, Sec. 119. P. L. L., (1888) Art. 4, Sec. 108.

Quarterly re-
turns to
Comptroller.

266. Every auctioneer within thirty days after the first days of January, April, July and October of the year for which he shall have been appointed, and in each and every year that he shall hold and continue in the office and duty of such auctioneer, shall render to the Comptroller of the City of Baltimore a true and particular account in writing of the money or sums of money for which any

goods, wares or merchandise, or other property of every kind, shall have been sold at every sale since entering on the duties of his office, or since the last account was rendered, of the amount of each day's sales and the days when sold, distinguishing the sales made by him personally or in his presence, and those made by his partner or partners or clerk, in consequence of his absence ; setting forth, also, the amount of all goods, wares, merchandise and other property sent or entrusted to him, his partner or partners for sale, and by him or them sold at auction, and the days on which the same were sold, and particularizing the amount of the several duties chargeable on said sales, duplicate copies of which said accounts, properly sworn to as required in section 267, shall be transmitted to the Comptroller of the State, by every such auctioneer, within the said thirty days after the said first days of January, April, July and October of the year or years as aforesaid ; and every auctioneer shall, within thirty days after rendering such account, pay over to the said Comptroller of Baltimore City, for the use of the State, subject to provisions hereinafter contained, all such sum or sums of money as appear to be due from him to the State for duties, according to law.

Information to
be furnished.

P. L. L., (1860) Art. 4, Sec. 120. 1872, ch. 249.

P. L. L., (1888) Art. 4, Sec. 109.

267. The auctioneer making such returns, at the time of making the same shall take before some Justice of the Peace, or Judge of a court of record the following oath ;
 "I , do solemnly and sincerely swear that the account now exhibited by me, and to which I have subscribed my name, contains a just and true account of all the goods, wares and merchandise, and property of every kind, sold or struck off by me at public sale, or sold at private sale, on the days of my public auctions, or sold or struck off as aforesaid by my co-partner or co-partners (if any there be), or by others in my name, or under my direction, and in my actual and *bona fide* employment (as the case may be), and the days upon which the same were respectively sold ; that I have examined the entries of all

Returns to be
sworn to and
certified.

Who may sign
certificate.

sales mentioned in said account in the books kept by me for that purpose, and I fully believe this account to be correct; and, further, that I have, during the time mentioned, conformed in all things to the provisions of the law relating to auctions in Baltimore City, according to the best of my knowledge and belief, so help me God." And he shall cause a certificate of the fact that he has taken such oath, duly signed by said Justice or said Judge, and a certificate of the Clerk of the Superior Court of Baltimore City, of the official character of said Justice when signed by him, to be annexed to said return; and no account or return of sales, as provided to be made and rendered in the preceding section shall be deemed or held to be "a true and particular account," within the meaning of said preceding section, unless the oath herein provided is made and annexed to such account or return of sales; and the auctioneer refusing or neglecting to make and to annex such oath shall be liable to be proceeded against as if he had not made and rendered any account on return of sales as required by law.

P. L. L., (1860) Art. 4, Sec. 121. 1872, ch. 249.

P. L. L., (1888) Art. 4, Sec. 110.

Penalty for
failure to
make re-
turns.

268. If any auctioneer shall refuse or neglect to transmit to the State Treasurer a duplicate of the record of his recognizance as before required, or shall neglect or refuse to render an account of sales to the Comptroller of the City of Baltimore quarter-yearly, or shall refuse or neglect to transmit a duplicate copy of such account to the Comptroller of the State within the time or times limited for rendering such account or transmitting such duplicates as provided in section 266, or shall refuse or neglect to pay over to the Comptroller of the City the money or moneys due from him to the State for duties, according to law, within thirty days after rendering such account, he shall, in and for each and every such case of refusal or neglect, be deemed guilty of a misdemeanor, and shall be subject to presentment and indictment in the Criminal Court of Baltimore, and on conviction thereof shall be fined in a sum not exceeding seven hundred dollars, nor less than one hundred

dollars, and on conviction shall further be deemed to have forfeited his appointment as auctioneer, and shall be disqualified from acting as auctioneer under the same; provided, it shall be competent for such auctioneer at the trial of such suit to give in evidence every matter or thing going to show a satisfactory excuse on his part for such neglect or refusal; and if the jury before which such suit shall be tried shall think such excuse satisfactory, they shall return a verdict for the defendant; the defendant, however, in such case to pay the costs of the prosecution and provided further, that no suit or indictment, or conviction, under this section, for the penalties herein contained, shall be held to bar or prevent the State from bringing such civil action or actions in any of the courts of this State against any auctioneer, or on his bond, for the recovery of money that may be due the State, or for the non-performance or mis-performance of any duty imposed upon him by this sub-division of this Article, and for which a civil action would lie against him or on his bond.

P. L. L., (1860) Art. 4, Sec. 122. P. L. L., (1888) Art. 4, Sec. 111.

269. Every auctioneer who, within the period limited for his accounting shall have made no sales of goods or property of any kind liable to auction duties, shall make and subscribe an affidavit of those facts before the Judge of the Court of Common Pleas, and shall transmit a copy of the said affidavit, certified by said Judge, to the State Treasurer, within the same time that an account is required to be rendered, under the penalty prescribed in the last preceding section.

Affidavit where no sales have been made.

P. L. L., (1860) Art. 4, Sec. 123. P. L. L., (1888) Art. 4, Sec. 112.

270. It shall not be lawful for the Governor to nominate to the Senate as auctioneer any person who shall not have settled in full at the Treasury office for all amounts due from him on account of auction duties.

Disqualification by failure to settle or duties.

P. L. L., (1860) Art. 4, Sec. 124. 1872, ch. 249.

P. L. L., (1888) Art. 4, Sec. 113.

Penalty for
malfeasance
in his office.

271. If any auctioneer shall be guilty of any fraud or deceit in the discharge of the duties of his office, or shall elude or defeat any provisions of this sub-division of this Article, for a violation of which no penalties are therein specially prescribed, he shall be guilty of a misdemeanor and subject to presentment and indictment in the Criminal Court of Baltimore, and on conviction thereof shall be fined in a sum not exceeding one thousand dollars, nor less than one hundred dollars for every such offence ; and if any auctioneer shall pay or cause to be paid directly or indirectly, to any trustee, attorney, executor or administrator, selling real estate or property of any kind under any order of any court, or under any power of attorney, any portion of the fee or commission received or receivable by him, and charged by him in his account for making any sale of such real estate or property for such trustee, attorney, executor or administrator, he shall be deemed guilty of a misdemeanor, and on conviction thereof in the Criminal Court of Baltimore shall be fined in a sum not exceeding two hundred dollars, nor less than fifty dollars, for every such offence, and such trustee, attorney, executor or administrator receiving or retaining such portion of such fee or commissions, and not accounting for it to the proper parties, shall be liable in a suit on his bond for double the amount so received or retained by him, to the *cestui que trust*, the principal, or to any person interested in the estate which he represents.

Bond also
liable.

P. L. L., (1860) Art. 4, Sec. 125. P. L. L., (1888) Art. 4, Sec. 114.

Treasurer may
prosecute.

272. If any person shall, within seven days after any such offence shall be committed, prosecute for the penalties imposed by this sub-division of this Article, the State Treasurer, upon information thereof having come to his knowledge, shall direct the State's Attorney for the City of Baltimore to prosecute for the same ; and the penalties when recovered shall be paid into the treasury for the use of the State.

P. L. L., (1860) Art. 4, Sec. 126. P. L. L., (1888) Art. 4, Sec. 115.

273. If any person shall wilfully swear falsely touch- Perjury.
ing any matter hereinbefore required in this sub-division
of this Article to be verified by oath, he shall suffer the
pains and penalties which by law are prescribed for wilful
and corrupt perjury ; and if an auctioneer, shall also forfeit
his office.

P. L. L., (1860) Art. 4, Sec. 127. 1872, ch. 249.

P. L. L., (1888) Art. 4, Sec. 116.

274. The proceeds of such auction duties to the amount \$20,000 of du-
of twenty thousand dollars shall be paid over by the Comp- ties to be
troller of the City, as the same shall be received by him, paid to City
to the Mayor and City Council of Baltimore, to be by said for deepen-
Mayor and City Council of Baltimore annually appropriated ing Channel
to the purpose of deepening and improving a channel and harbor.
in the Chesapeake Bay and Patapsco River and the harbor of
the City of Baltimore.

P. L. L., (1860) Art. 4, Sec. 128. 1872, ch. 249.

P. L. L., (1888) Art. 4, Sec. 117.

275. It shall be the duty of the Mayor and City Disbursement
Council of Baltimore, on or before the fifteenth day of of said fund.
September in each year, to report to the Comptroller of
the State a fair and strict account of their disbursement of
the fund arising from said auction duties, as to the amount
the same are appropriated in the preceding section in
relation to the deepening and improving said channel,
Patapsco River and Baltimore City harbor ; and the said
Comptroller shall report the same to the General Assembly.

P. L. L., (1860) Art. 4, Sec. 129. 1872, ch. 249.

P. L. L., (1888) Art. 4, Sec. 118.

276. If the net proceeds of said auction duties shall What shall be
exceed the sum of twenty thousand dollars, the excess of paid to State
said duties above that sum shall, for each and every year Treasurer.
that they shall exceed that sum, be paid over by the
Comptroller of the City of Baltimore to the Treasurer of
the State ; and in case of such excess as aforesaid, the

Comptroller of the City shall also render to the Comptroller of the State a brief statement or account, showing the amounts received by him on account of auction duties, the amount paid the Mayor and City Council of Baltimore, under Section 274, and the balance due the State and payable to the State Treasurer—which said balance, if any, and whenever the same shall arise from said auction duties, shall be paid to said Treasurer on or before the twenty-fifth day of September in each and every year.

P. L. L., (1860) Art. 4, Sec. 130. P. L. L., (1888) Art. 4, Sec. 119.

When sections
274 to 276
shall have no
effect.

277. The provisions of the three preceding sections shall not have any effect if the City of Baltimore, by ordinance or otherwise, shall make any charge on articles passing over or deposited on the wharves of said City for a less time than one day, for the purpose of delivery only, from or on board of any vessel trading within the limits of this State, other than the regular wharfage chargeable on such vessel.

P. L. L., (1860) Art. 4, Sec. 131. P. L. L., (1888) Art. 4, Sec. 120.

Leather, iron,
tobacco.

278. Nothing contained in this sub-division of this Article shall prohibit the sale of leather, iron or tobacco, by the person who manufactured the same, without the license herein required.

BAIL.

1898, ch. 138, Sec. 207A.

Court to fix
amount of
bail taken by
clerk.

§278a. The Clerk of the Criminal Court of Baltimore shall have power at any time to take bail when authorized by the court, whether the court is in session or not, and although the defendant is not present or does not join in the recognizance, but in all cases, before bail is taken by the Clerk, the court shall fix the amount thereof.**

**NOTE.—In relation to bail, *see*, *Smith v. Fowler & Thomas*, Daily Record, March 11, 1903.

1898, ch. 138, Sec. 207B.

§278b. Whenever any person charged with a criminal offence desires to be admitted to bail, his recognizor, except as provided for in the next succeeding section, shall sign and make oath to an application in which shall be stated the location of his property, his interest therein, its value, ground rent, mortgages, and other recognizances and incumbrances, if any, to which it may be subject, and such other matters as may be inquired of, and required to be inserted in the application by the clerk to whom such application is made, to enable such clerk to determine the value of the security offered.

Recognizor to give particulars of property before bail is accepted.

1898, ch. 138, Sec. 207C.

§278c. The Clerk of the Criminal Court of Baltimore may, when so ordered by the court, admit any person to bail on his own recognizance, or may accept a recognizor without stated property qualifications.

Duty of Clerk.

1898, ch. 138, Sec. 207D.

§278d. It shall be sufficient for recognizances taken in the Criminal Court of Baltimore, when signed by the judge or the clerk thereof, to conform to the following formula ; "You and each of you acknowledge yourselves to owe and stand indebted to the State of Maryland in the sum ofdollars for the appearance of.....at this court on the.....day of.....18....., to answer the charge alleged against him, and to attend this court thenceforth from day to day until discharged therefrom in due course of law."

Formula to be followed in taking recognizances.

1898, ch. 138, Sec. 207E.

§278e. Every recognizance taken in any criminal proceeding in Baltimore City shall be a lien upon the property of the recognizor mentioned in his application from the date of the acknowledgment of such recognizance, unless such recognizance shall have been acknowledged before a police justice or before a court upon writ of *habeas corpus*, in which it shall be a lien from the time it

Recognizances to be lien on property.

is filed with the clerk of the Criminal Court of Baltimore. When any recognizance is forfeited it shall become a judgment, and shall have all the effects of judgments rendered in civil causes, and may be enforced by execution by order of the State's Attorney at any time within six years from the date of the forfeiture, and not afterwards.

1898, ch. 138, Sec. 207F.

Names of re-
cognizors to
be recorded.

§278f. It shall be the duty of the clerk of the Criminal Court of Baltimore immediately to record, in a properly indexed book to be provided for that purpose, the names of the persons who have entered into recognizances, the date of the filing of the recognizance with the clerk of the Criminal Court, if such recognizance has been acknowledged before a police justice, or before some other court upon writ of *habeas corpus*, the amount thereof, and the date of the acknowledgment of the same; the location of the property mentioned in the application, and when any recognizance shall be forfeited; and when any forfeiture shall be stricken out or discharged, it shall be the duty of the said clerk to make an appropriate entry in said book, showing such disposition of the recognizance or the forfeiture, together with the date thereof.

1898, ch. 138, Sec. 207G.

Who may be
accepted as
recognizor.

§278g. Any officer having power to admit to bail may accept as recognizor any bonding, guarantee or trust company incorporated under the laws of the State of Maryland, or under the laws of any State in the United States, and doing business in the city of Baltimore, which is authorized by its charter to become surety on official bonds.

1898, ch. 138, Sec. 207H.

Offences not
bailable.

§278h. No police justice of the City of Baltimore shall accept bail for persons charged with manslaughter, murder or any offense the punishment for which may be death; any such justice may, in his discretion, accept the bail for any person charged with the commission of any felony other than those above mentioned, and any misdemeanor

the punishment for which may be confinement in the penitentiary; and whenever bail is offered for any person charged with the commission of any misdemeanor other than those already set forth, such justice shall accept the same; provided he is satisfied with the security offered.

Felonies and misdemeanors bailable.

1898, ch. 138, Sec. 207I.

§278i. Whenever a person charged with a bailable, criminal offense before a police justice desires to be admitted to bail, his recognizor shall sign and make oath to an application in which shall be stated such matters as may be required of, and required to be inserted in such application by the police justice to enable him to determine the value of the security offered. Any recognizance acknowledged before such justice shall be good, although the defendant does not join in the same.

Oath to be taken to determine security.

1898, ch. 138, Sec. 207J.

§278j. Whenever any person charged with the commission of a criminal offense is admitted to bail by a police justice for appearance in the Criminal Court of Baltimore, such justice shall forthwith deliver the recognizance to the clerk of said court, such recognizance shall then become a record of said court, and may be forfeited, and the forfeiture may be enforced in the same manner as if the recognizance has been taken by the court.

Recognizances to become records of the Criminal Court if offence is to be tried therein.

1898, ch. 138, Sec. 207K.

§278k. Whenever any person charged with a criminal offense before a police justice is admitted to bail for further hearing, if such person does not appear at such hearing according to the tenor of his recognizance, it may be forfeited. If forfeited, the justice shall note the forfeiture on the recognizance and deliver it to the clerk of the Criminal Court of Baltimore, the said forfeited recognizance shall then become a record of said court, and shall have the same effect and may be enforced in the same manner as if it had been taken and forfeited by the court.

Bail to be forfeited for non-appearance.

BILLS OF EXCHANGE AND PROMISSORY NOTES.*

279. Repugnant to provisions of Act 1898, ch. 198. See proviso, section 3, Act 1898, ch. 123, post.

1892, ch. 462. 1898, ch. 198, (Sec. 120A).

§279a. Any bill of exchange, bank check, draft or promissory note presentable for payment or acceptance in the City of Baltimore on the first day of the week commonly called Sunday, shall be deemed to be presentable for payment or acceptance on the next succeeding secular or business day.

When present-
able.

1892, ch. 462. 1898, ch. 198, (Sec. 120B).

§279b. It shall be lawful for banks and bankers in the City of Baltimore to close their doors for business at twelve o'clock on each and every Saturday in the year, and every Saturday in the year after twelve o'clock noon, shall for all purposes whatever, so far as regards the presenting for payment or acceptance and the protesting and giving notice of the dishonor of bills of exchange, bank checks, drafts, promissory notes and other negotiable papers, be a legal half holiday, and shall be treated and considered as the first day of the week, commonly called Sunday, and all such bills, checks, drafts and notes, which, on their face, or under any existing law or by the provision of this Act shall be payable or presentable for acceptance or payment on any half-holiday Saturday shall be deemed to be payable or presentable for acceptance or payment, and notice of protest and dishonor thereof may be given on the next succeeding secular or business day ; provided, that checks and papers payable at sight, or on demand, presentable for payment on half-holiday Saturday may, at the option of the holder thereof, be payable and presentable for acceptance or payment on such half-holiday Saturday before twelve o'clock noon ; provided further, that for the purpose of protesting or otherwise holding liable any party

Hours of clos-
ing bank on
Saturday.

When bills,
checks,
drafts and
notes falling
due on any
half-holiday
Saturday are
payable or
presentable
for accept-
ance or pay-
ment; when
notice of pro-
test, etc.,
may be given;
rule as to col-
lection of ne-
gotiable
paper.

*NOTE.—When protest by notary unnecessary to hold indorser, *see*, *Kirk v. Belts*, Daily Record, March 26, 1891.

to any such check or paper payable at sight, or on demand, presentable for payment on any half-holiday Saturday, and which shall have been presented and dishonored on such half-holiday Saturday, notice of protest and dishonor thereof may be given on the next succeeding secular or business day; and provided further, that whenever any person shall receive for collection in said City of Baltimore, any bill of exchange, bank check, draft or promissory note due and presentable for acceptance or payment on any half-holiday Saturday, such person shall not be deemed guilty of any neglect or omission of duty, or incur any liability in not presenting for payment or acceptance, or collecting such bill of exchange, bank check, draft or promissory note on that day; and provided further, that in construing this section, every half-holiday Saturday shall, until twelve o'clock noon, be deemed as a secular or business day.

1892, ch. 462. 1898, ch. 198, (Sec. 120c.)

§279c. Whenever any bill of exchange, bank check, draft or promissory note shall be presentable for payment in the City of Baltimore on the secular or business day next succeeding the day on which it would otherwise have been presentable for payment, interest on the same shall be computed down to and including such secular or business day.

Interest to be computed to next secular day.

BUILDINGS.

1880, ch. 133. P. L. L., (1888) Art. 4, Secs. 125-128, 131A, 131B.

1896, ch. 363.

280. It shall not be lawful for the owners or lessees of any public hall, church, school or place of amusement, in the Cities of Baltimore, Annapolis, Cumberland, Frederick, Hagerstown or Frostburg, to obstruct, or allow to be obstructed by others, any of the aisles or passage-ways in the auditorium of said halls, churches, schools or places of amusement, by placing therein any benches, chairs or stools, or other articles that may prevent free ingress or egress during the hours that said places may be open to the public. Said owners or lessees, or their agents, are

Aisles of churches, halls and places of amusement not to be obstructed.

Regulation of
exits.

required to keep open at all hours during the time said halls, churches, schools or places of amusement are open to the public, all doors giving ingress or egress, unless said doors open outward from said places; then the same may be closed, but no hindrances, such as locks or catches of any kind, shall be allowed to obstruct or prevent instant and easy egress through the same; and when said doors open inwards, it is required of said owners, lessees or their agents, that said doors shall be fastened securely and firmly open. Owners or lessees, or any person holding under them, or their agents, violating any of the provisions aforesaid, shall, on conviction thereof, be fined by the court before which such conviction is had for any violation,

Penalty.

a sum not exceeding five hundred dollars, to be recovered as other fines in this State, one-half of which shall go to the State and the other half to the Cities where such violations occur and convictions thereof are had. It is

Grand Juries to
investigate
and police to
enforce ob-
servance of
regulations.

made the special duty of the Judge or Judges of the courts having criminal jurisdiction in said Cities of Baltimore, Annapolis, Cumberland, Frederick, Hagerstown and Frostburg, to especially charge the Grand Juries of said courts upon the execution of the foregoing provisions; and the police authorities of said Cities are especially charged with the execution thereof, and to that end shall direct nightly examinations by some of their officers, of all such places. It shall not be lawful for any person, agent, owner or proprietor of any sweat-shop or factory where four or more persons are employed, to use any coal oil, gasoline, or any

Lighting of
sweat-shops
regulated;
penalty.

other explosive or inflammable compound for the purpose of lighting or heating in any form; and any person, agent, owner or proprietor violating this provision shall be guilty of a misdemeanor, and on conviction thereof, be fined by the court before which such conviction is had, for every violation, the sum of one hundred dollars and costs, and stand committed until such fine and costs be paid. The

Fire escapes to
be provided;
penalty.

owner or owners of any such house or building used as a sweat-shop or factory where four or more persons are employed as garment workers, on other than the first floor of such house or building, shall provide fire-escapes for the same; and if any owner or owners of any house or building

so used, fail to make or provide a fire-escape, such owner or owners shall pay a fine of two hundred dollars, to be recovered as other fines in this State, or imprisonment in the City Jail for sixty days, or both fine and imprisonment, in the discretion of the court.**

1900, ch. 274.

§280a. Before the Appeal Tax Court of Baltimore City grants any permit for the erection of new buildings it shall be shown to the said Court to its satisfaction that all taxes due and unpaid are fully paid upon the land on which said new buildings are proposed to be erected, and no permit, as aforesaid, shall be issued until the court is so satisfied, and an appeal is allowed from this as in other cases before said court, as is allowed by law.

Taxes to be paid on land before Appeal Tax Court shall issue building permit.

CARRIAGES AND HORSES.

Hackney Carriages.

P. L. L., (1860) Art. 4, Sec. 140. 1865, ch. 90. P. L. L., (1888) Art. 4, Sec. 135. 1892, ch. 631.

281. The Board of Police Commissioners of the City of Baltimore shall determine and fix the rate of fare to be charged by the owners of hackney carriages in said City; and every owner of a hackney carriage who shall have obtained a license therefor, as required by the ordinances of the Mayor and City Council of Baltimore, shall be authorized and entitled, during the time in such license specified, to ask, charge and receive, as a compensation,

**NOTE.—In relation to the provisions in section 280 regulating sweat shops, it may be of interest to note that the Act of 1902, ch. 101, known as the "Sweat Shop Law" was held invalid, in that it was not a just and reasonable police regulation, and that it interfered with the right of the citizen to enjoy the free and profitable use of his property and also with his right of personal liberty, without due process of law.

State *v.* Legum, Daily Record, November 18, 1902.

NOTE.—For Acts of Assembly relative to Burnt District and Burnt District Commission, *see* appendix, post, page .

Fares for hackney carriages to be fixed by Board of Police Commissioners; proviso.

from every person using the same, the rates of fare and compensation and hire prescribed by the said Board of Police Commissioners, and no more ; *provided*, that the provisions of this section shall not apply to the owners of hackney carriages who conduct their business exclusively at their respective stables.

P. L. L., (1860) Art. 4, Secs. 143, 144. 1865, ch. 90. P. L. L., (1888) Art. 4, Secs. 136, 137.

Number of carriage to be displayed conspicuously.

282. The owner of every licensed hackney carriage, other than those excepted in the preceding section, before he shall be entitled to charge, ask or receive any hire or compensation for the use thereof, shall cause the number of such carriage, as stated in his license, in plain and easily legible figures, at least two inches in length, to be painted or otherwise delineated in conspicuous places on each side of such carriage, both within and without, and shall also keep in at least two conspicuous positions in the interior of such carriage a copy of the rates of fare or charges prescribed by the Board of Police Commissioners, as aforesaid, printed on white paper card, with black ink, by types of a size not less than long primer, so that the same may be conveniently seen and read in the daytime by any person who may be a passenger in said carriage.

Penalty for violating sections 281 and 282.

Every owner of a hackney carriage licensed as aforesaid, for the use of which any higher or greater rate of fare shall be asked and received by any driver or other person having care of such carriage, than that prescribed by this sub-division of this Article, or who shall omit or neglect to comply with the directions herein contained, shall incur a penalty of ten dollars ; every continuance of an omission to comply with the provisions herein contained for one day after any prosecution therefor, to be taken as a distinct offence.

P. L. L., (1860) Art. 4, Sec. 145. P. L. L., (1888) Art 4, Sec. 138.

Drivers to inform passengers of correct number and rates of fare; penalty.

283. Every driver of any licensed hackney carriage who shall refuse or omit when required, to inform any person using such carriage or applying for the use of it,

the true number thereof, or the correct amount of the rates of fare authorized to be charged for the use of it, or who shall wilfully mislead, or misconvey, or insult, by abusive or indecent and opprobrious language, any passenger whom he shall have in his care for conveyance in the carriage of which he is driver, shall for every such offence incur such penalty, not exceeding twenty dollars, as shall be adjudged by the Mayor of the said City or any Justice of the Peace therein, before whom complaint shall be made by or on behalf of the party injured.

1892, ch. 631. P. L. L., (1888) Art 4, Sec. 138A.

234. No driver or person in charge of cabs or hackney carriages shall ask, charge, demand or receive more than the rates of fare as established by the Board of Police Commissioners in the City of Baltimore from time to time, from any passenger or passengers; and any person violating the provisions of this section shall, upon conviction, be liable to a fine not exceeding fifty dollars, or imprisonment in jail for a period not exceeding six months nor less than thirty days, or both, in the discretion of the court.

Penalty for extortion.

1865, ch. 90. P. L. L., (1888) Art. 4, Sec. 139.

235. The proprietors of any hackney carriage in the City of Baltimore who do not intend to go upon or use the public stands in said City with such hackney carriages, shall at the time of applying for a license for the same, as required by the present or any future ordinances of the Mayor and City Council of Baltimore, signify in writing such intention, and thereupon a special license may and shall be granted to such proprietors by the Comptroller or other proper officer of said City; and for every special license thus granted there shall be paid such sum as is now or shall hereafter become payable for other hackney carriages by the present or future ordinances of said City.

Special licenses for hackney carriages not using public stands.

1865, ch. 90. P. L. L., (1888) Art. 4, Sec. 140.

236. No hackney carriages which shall be thus especially licensed shall make use of or go upon or stand or wait

Said licensees
not to go
upon public
stands;
penalty.

for employment at any of the public stands designated by or under the present or any future ordinances of the Mayor and City Council of Baltimore, or at any place in said City, except the premises of the owner thereof, under a penalty of twenty dollars for every such offence; one-half to be paid to the informer, to be recovered against either the owner or driver thereof, as fines of a like amount are now recovered.

1865, ch. 90. P. L. L., (1888) Art. 4, Sec. 141.

Statement to
be furnished
by applicants
for special
licenses.

287. Each and every proprietor of hackney carriages shall, at the time when he applies for a special license, or any renewal thereof, furnish the Comptroller or other proper officer of the City of Baltimore with a correct statement of the number of hackney carriages used by him; and such owner, whenever he shall increase the number of such hackney carriages, shall report such increase to the Comptroller or other proper officer of said City; and every person violating any of the provisions of this section shall forfeit his license, and be liable to a penalty of ten dollars.

P. L. L., (1860) Art. 4, Sec. 146. 1865, ch. 90. P. L. L., (1888) Art. 4, Sec. 142.

Recovery of
penalties; ap-
peals.

288. All penalties which shall be incurred under section 283 of this sub-division of this Article, or for the breach of any of its provisions, may be recovered by warrant issued in the name of the State, in the same manner as debts within said City are recoverable, with the right of appeal to the Baltimore City Court.

P. L. L., (1860) Art. 4, Sec. 147. P. L. L., (1888) Art. 4, Sec. 143.

Jury trial of
appeal; bond
to stay exe-
cution.

289. On the trial of such appeal, the party of whom the penalty is claimed shall be entitled to a jury trial; but there shall be no stay of execution of any judgment appealed from, unless the party appealing shall give bond, with security approved by the officer rendering such judgment, and conditioned that the party appealing shall

prosecute the appeal with effect, and obey, perform and pay such judgment as shall be rendered by the Baltimore City Court on the trial of said appeal.

P. L. L., (1860) Art. 4, Sec. 148. P. L. L., (1888) Art. 4, Sec. 144.

290. All penalties which shall be recovered for the breach of any of the provisions of this sub-division of this Article, shall be appropriated one-half to the use of the dispensaries in the City of Baltimore, to be equally divided between them, and the other half to the use of the informer, whose name shall be endorsed on the warrant issued for the recovery of each respective penalty.

Appropriation
of penalties
recovered.

Horses, etc. Livery Stable Charges.

1865, ch. 163. P. L. L., (1888) Art. 4, Sec. 145.

291. It shall be lawful for any livery stable keeper to retain in his custody any horse, mare or gelding placed under his care for livery, and also any vehicle, until all charges for so keeping shall be paid by the owner thereof.

Livery stable
keeper to
hold horse,
etc., until
charges are
paid.

1865, ch. 163. P. L. L., (1888) Art. 4, Sec. 146.

292. It shall and may be lawful for such livery stable keeper to sell any such horse, mare or gelding, or vehicle, at public auction in the City of Baltimore, after giving at least twenty days' notice in two of the daily newspapers, published in the City of Baltimore, of the time, place and manner of sale; and after deducting the amount due for keeping, together with all expenses of said sale, to return the surplus, if any, to the owner of such horse, mare or gelding, or vehicle.

May sell same
at public
auction for
such charges.

1865, ch. 163. P. L. L., (1888) Art. 4, Sec. 147.

293. Before proceeding as above, it shall be necessary for such livery stable keeper to state an account for keeping of such horse, mare or gelding, or vehicle, and prove the same before a Justice of the Peace for the City of Baltimore, who, upon being satisfied by proof of demand and refusal or neglect to pay on the part of the owner,

Keeper to
prove his ac-
count; J. P.
to issue war-
rant; proviso.

shall thereupon issue his warrant authorizing such sale as aforesaid; *provided*, that the proprietors of such livery stables shall set up on their premises, in some conspicuous place, a copy of the foregoing two sections, printed in large type, and their rates of livery.

CORONERS, INQUESTS AND DEAD BODIES.

1878, ch. 347. 1890, ch. 207. P. L. L., (1888) Art. 4, Sec. 149. 1892, ch. 15. 1894, ch. 84.

294. The Governor, by and with the advice and consent of the Senate, shall appoint and commission seven competent physicians to act as coroners for the City of Baltimore, to hold office during the period of two years, at an annual salary of one thousand dollars each, payable quarterly by the City Register; and said coroners shall be assigned to duty by the Governor, and to each of the police districts of the City of Baltimore; and it is further provided, that whenever the police districts of the City of Baltimore shall be increased in number by the order of the Board of Police Commissioners of Baltimore City, the Governor shall appoint an additional coroner for each of the police districts so created; *provided*, that before entering upon the duties of their office, the persons appointed shall take the oath of office prescribed by the Constitution of the State of Maryland, for office-holders; and further, they shall give bond to the said State of Maryland, with security to be approved by the Judge of the Superior Court of Baltimore City, in the penalty of two thousand dollars each, conditioned for the faithful performance of their duties, as now prescribed by law, or which shall hereafter be prescribed.

Young *v.* College, etc., 81 Md. 358.

1872, ch. 45. P. L. L. (1888) Art. 4, Sec. 150. 1898, ch. 123.
1902, ch. 317.

295. In addition to the coroners provided for in the preceding section the Governor shall appoint one more coroner for the "City of Baltimore," to be known as the

“Coroner at Large” for said City, whose duty it shall be to act in the place of any of the coroners who shall have been assigned to the various police districts of said City who may have been prevented by illness or enforced absence from attending to his duties; the said coroner at large shall receive the same compensation as is prescribed in the preceding section for other coroners for said City. The coroners provided for in the preceding section shall be assigned to such sub-division or district of the City of Baltimore as the Governor may direct.

P. L. L. (1860) Art. 4, Sec. 153, 154. 1872, ch. 45. P. L. L., (1888) Art. 4, Sec. 151.

296. The Coroner shall hold an inquest over every person found dead in his district in said City when the manner and cause of death shall not be already known as accidental, or in the course of nature. No Coroner’s jury in said City shall receive any fee or compensation for services as such; and said Coroners are authorized and empowered to issue their certificates to the City Register for the payment of such expenses as may be necessary for the interment of any person over whom they, or either of them, has held an inquest, and whose body is not claimed by friends or relatives; *provided*, the amount of such expenses shall not in any case exceed the sum of seven dollars.

To hold in-
quests.

Certificate to
City Register
for burial ex-
penses; pro-
viso.

Blaney *v.* State, 74 Md. 153. *Young *v.* College of Physicians, etc. 81 Md. 358.

1872, ch. 45. P. L. L., (1888) Art. 4, Sec. 152.

297. Each of said Coroners shall make a monthly report to the Police Commissioners of Baltimore City, of the number of inquests held by him during the month last past before said report, with a full description, as far as may be, of the persons who were the subjects of such inquests, their sex, age, color and nationality, the cause and mode of their death, and such other particulars as may be necessary for their identification, in case of strangers and unknown persons; and each of said Coroners shall

Report of in-
quests.

Property or
money of de-
ceased.

also, immediately after holding an inquest, deposit in some bank of Baltimore City, subject to the order of the Judges of the Orphans' Court of said City, all property, money and other effects found upon the person of those over whom he shall hold inquest, as hereinbefore provided.

1882, ch. 163. 1890, ch. 166. P. L. L., (1888) Art. 4, Sec. 153.

Distribution of
dead bodies.

298. Any public officer of Baltimore City or Baltimore County having charge of or control over the bodies of deceased persons required to be buried at the public expense or at the expense of any institution supported by said City or County, shall notify the chairman of the Anatomy Board, said board being composed of a demonstrator of anatomy from each medical school in the State, of the existence and possession of such bodies, and shall give permission to said Anatomy Board, through its chairman, or to any physician or surgeon of the State of Maryland upon his request made therefor, to take such bodies within forty-eight hours after death, to be by him used within the State for the advancement of medical science, preference being given to medical schools, public and private; and said bodies shall be distributed to and among the same equitably, the number assigned to each being proportioned to that of its students; *provided*, however that if any person claiming to be and satisfying the proper authorities that he is, of kindred to the deceased, or that he was a friend to deceased during his life, shall ask to have the body for burial, it shall be surrendered for interment; or if such deceased person was a stranger or traveler who died suddenly, the body shall be buried and not handed over as aforesaid. Any public officer of Baltimore City or County having charge of or control over the bodies of the deceased persons required to be buried at the public expense or at the expense of any institution supported by said City or County, who shall neglect or refuse to comply with the requirements of this section, shall be guilty of a misdemeanor, and shall upon conviction be fined not less than fifty nor more than one hundred dollars for each and every offence.

When body is
claimed.

Penalty for
non-compli-
ance with
provisions.

1882, ch. 113. P. L. L., (1888) Art. 4, Sec. 154.

299. Every physician or surgeon, before receiving any such dead body shall give to the proper authorities a sufficient bond that such body shall be used only for the promotion of medical science within the State; and whosoever shall use such body for any other purpose, or shall remove the same beyond the limits of this State, and whosoever shall sell or buy such body, or in any way traffic in the same, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not exceeding five years at hard labor in the City Jail.

Bond of physician that body will be used only for medical purposes.

Penalty.

COURTS.

Superior Court, Court of Common Pleas and Baltimore City Court.

1870, ch. 177. P. L. L., (1888) Art. 4, Sec. 155.

300. The Judge before whom any case may be tried in either the Baltimore City Court, the Superior Court of Baltimore City, or in the Court of Common Pleas, shall have exclusive jurisdiction to hear and determine, and the said judge shall hear and determine, all motions for a new trial where such motions arise, either on questions of fact or for misdirection upon any matters of law, and all motions in arrest of judgment, or upon any matters of law, determined by the said judge; and all such motions shall be heard and determined within thirty days after they are made.

New Trials.

Motions in arrest of judgment.

1870, ch. 177. P. L. L., (1888) Art. 4, Sec. 156.

301. In no case shall either the plaintiff or defendant be required to file a "paper book" of evidence or brief, in either of the courts of the City of Baltimore.

Paper book not required.

1876, ch. 96. P. L. L., (1888) Art. 4, Sec. 157.

302. The stated terms of the Superior Court of Baltimore City, the Court of Common Pleas and the Baltimore

Terms of Court.

City Court, shall commence on the second Monday in January, the second in May, and the second Monday in September, in each year. **

Preston v. McCann, 77 Md. 30.

1864, ch. 6, Sec. 1. 1886, ch. 184. P. L. L., (1888) Art. 4, Sec. 158.

Return days.

303. In addition to the first day of each term of the Superior Court of Baltimore City, the Court of Common Pleas of the City of Baltimore, and the Baltimore City Court, the second Monday in February, March, April, June, July, August, October, November and December, in each year, shall be return days, and the words "return day," wherever used in this sub-division of this Article shall apply as well to the first day of each term as to the other return days herein enumerated.

1886, ch. 184. P. L. L., (1888) Art. 4, Sec. 159.

Writs, when returnable.

304. All original writs, writs of execution, attachment, replevin, ejectment, *scire facias* and *habere facias*, as well as all other writs and process issued from or returnable to any of said courts, which under the practice heretofore existing would have been returnable to the first day of the term, or to a return day, shall hereafter be made returnable to the first return day after the issue of the same, or may be made returnable to the second return day thereafter, if the party by whose direction the same was issued, or his attorney, shall so request in writing.

1864, ch. 6, Sec. 3. 1886, ch. 184. P. L. L., (1888) Art. 4, Sec. 160.
1894, ch. 180.

Renewal of writ.

305. On the return of an original writ, not executed in either of said courts, the same may be renewed, returnable to the next return day thereafter, and after two returns of any original writ not executed at the two succeeding return

**NOTE.—*Powers of Superior Court.* The Superior Court has no power, under section 167 of Art. 23, Code Public General Laws, to confirm or set aside an inquisition of a Sheriff's Jury. *W. M. Tidewater R. R. Co. v. Leonard*, Daily Record, June 15, 1903.

days after the writ is first issued, the same shall be permitted to lie dormant, renewable only on the written order of the plaintiff or his attorney of record to such future return day as the said plaintiff or his attorney may elect, and upon a further return if not executed, said writ shall be again permitted to lie, renewable only as aforesaid, the said plaintiff or his attorney having the right to renew said writ to as many subsequent return days, under the same mode of procedure as may be deemed proper, until the same is executed.

Writ renewable until executed.

1864, ch. 6, Sec. 4. 1886, ch. 184. P. L. L., (1888) Art. 4, Sec. 161.

306. After the execution of any writ or other process made returnable to a return day in either of said courts, the same proceedings may be had thereupon as if the same had been made returnable, and had been returned to a term of said court under the practice heretofore existing, except as hereinafter otherwise provided.**

Proceedings.

1864, ch. 6, Sec. 5. 1886, ch. 184. P. L. L., (1888) Art. 4, sec. 162.

307. If a defendant be returned "summoned," and shall fail to appear, the clerk of the court on the day following the return day to which the writ or process served on him is returnable, shall enter the appearance of any defendant so summoned and failing to appear, and the action shall proceed in the same manner as if the party had appeared in person.

Entry of appearance after summons.

1886, ch. 184. P. L. L., (1888) Art. 4, Sec. 163.

308. When a declaration in any action shall be filed in court, and a copy thereof delivered to the defendant before the day of the return of the writ, and the defendant shall be summoned before the said day of the return of the writ,

Pleas, when to be filed.

****NOTE.**—*Exemption from service of process in civil actions:* A non-resident here for the sole purpose of attending upon the trial of a case to which he is a party, is exempted from the service of process in a civil action. But such privilege may be waived or lost by *laches*, and must be availed of at proper time by plea or motion.

Foss v. Carnell, Daily Record, January 23, 1894.

he shall plead before the next succeeding return day, or judgment by default for want of a plea shall be entered by the court or clerk thereof, upon motion in writing made by the plaintiff, or his attorney, then, or at any time thereafter, before the filing of a plea by the defendant, unless the court for good reasons shall have granted said defendant further time to plead; and upon such entry of judgment, the plaintiff may forthwith sue out his writ of inquiry, or otherwise enter up final judgment according to the course of the court.**

Cooper v. Roche, 36 Md. 563. Cf., Condon v. Gore, 89 Md. 230.

1886, ch. 184. P. L. L., (1888) Art. 4. Sec. 164.

309. When any action shall be brought upon a titling and the defendant shall have been summoned, the plaintiff shall file his declaration within fifteen days after the return day to which said defendant had been summoned, or judgment of *non pros.* may be entered by the court or the clerk thereof against him for want of a declaration, upon motion in writing made by the defendant at any time thereafter, unless the court for good cause shown shall grant further time; but if the plaintiff shall have filed his declaration in any such action, at any time before the entry of a judgment of *non pros.* against him, the defendant shall be required to plead to such declaration within the time and upon the terms prescribed by the rules of the court, or judgment by default may be entered against him as provided by said rules.

1886, ch. 184. P. L. L., (1888) Art. 4, Sec 165.

310. Every suit in which any defendant shall be returned summoned, shall stand for trial or judgment (as against such defendant) at the return day next succeeding the day to which he has been summoned; *provided*, the declaration shall have been filed in court, and a copy thereof shall have

**NOTE.—The clerk has no authority to enter up a judgment for want of a plea except on motion therefor by the plaintiff or his attorney.

Griffith v. Graham, Daily Record, July 15, 1891.

been served on the defendant, or his attorney, at least fifteen days before said return day ; and all such suits in which final judgment is not entered on that day, shall then be put at the end of the trial calendar of the court in which they are brought, in the order in which they were instituted in said court, and shall be finally disposed of as far as possible when reached in their regular course.

1886, ch. 184. P. L. L., (1888) Art. 4, Sec. 166.

311. In all cases in which a party by law would be entitled to a continuance, the court may, instead of continuing the cause to the next term, postpone the same for thirty days, or such other period as will best subserve the interests of justice. Postponement

Smithson v. U. S. Telegraph Co., 29 Md. 165.

Speedy Judgment Act.

1858, ch. 323. 1864, ch. 6, Sec. 7. 1886, ch. 184, Sec. 170. P. L. L., (1888) Art. 4, Sec. 167. 1894, ch. 173.

312. In any suit, when the cause of action is a contract, whether in writing or not, or whether expressed or implied, the plaintiff, if affidavit or affirmation be made, as hereinafter stated, shall be entitled to judgment to be entered by the court or the clerk thereof, on motion, in writing, at any time after fifteen days from the return day to which the defendant shall have been summoned, although the defendant may have pleaded, unless such plea contains a good defence, and unless the defendant or some one in his behalf shall, under oath or affirmation, state every plea so pleaded by the defendant is true ; and shall further state the amount of plaintiff's demand, if anything, admitted to be due or owing, and the amount disputed, and further, that the affiant verily believes the defendant will be able at the trial of the cause to produce sufficient evidence to support the plea as to the portion disputed, and that he is advised by counsel to file the said plea ; and such plea shall be accompanied by a certificate of counsel that he so advised the party making such oath or affirmation, and if Entry of judgment in suits on contracts.

Pleas to be sworn to.

Certificate of counsel.

the copartnership or incorporation of any of the parties to the suit shall be alleged in the declaration and the affidavit to be filed therewith, as hereinafter provided ; or if there shall be filed with the declaration in said cause, any paper purporting to be signed by any defendant therein, the fact of such alleged copartnership or incorporation, and the genuineness of such signature shall be deemed to be admitted for the purposes of said cause, unless the said affidavit shall further state that the affiant knows, or has good reason to believe, such allegation of copartnership or incorporation to be untrue, or that such signature was not written by or by the authority of the person whose signature it purports to be. In case any part of the debt or damages claimed to be admitted to be due, the plaintiff shall be entitled forthwith to an entry of judgment therefor, with costs in the discretion of the court, to the time of entry of such judgment, and if the amount so admitted to be due shall not be below the jurisdiction of the court, the plaintiff may at once have execution therefor, and upon such entry of judgment the plaintiff may join issue or reply to the pleas as to the disputed portion, and the case shall be proceeded with as to such disputed portion in the same manner as if the suit had been originally instituted for the recovery of the same ; and the court shall have jurisdiction as to such disputed portion in all cases where the amount originally claimed shall be within the jurisdiction of the court, but if either judgment in the case be below the jurisdiction of the court, no execution shall issue from that court on the same, and the provisions of section 17 of Article 26 of the Code of Public General laws shall apply thereto; yet if the sum of the two judgments shall equal such jurisdiction they may then be included in an execution issued from that court ; *provided*, that the court for good cause shown, may, by its order in writing, passed at any time before judgment, extend the time for filing such pleas and affidavits, which extension shall suspend, until the expiration thereof, the plaintiff's right to enter judgment under this section.

Defendant must make certain averments.

Where part of claim is admitted, judgment therefor shall be entered.

Practice where judgment is below court's jurisdiction.

Smithson *v.* U. S. Telg. Co. 29 Md. 162. Jones *v.* Freeman, 29 Md. 273. State use of Bouldin *v.* Steibel, 31 Md. 34. Knickerbocker Ice

Co. v. Hoeske, 32 Md. 317. King v. Hicks, 32 Md. 460. Jones v. Barnett, 35 Md. 258. Keen v. Whittington, 40 Md. 489. Baltimore v. Ideson, 47 Md. 542. Traber v. Traber, 50 Md. 1. Thorne v. Fox, 67 Md. 67. Adler v. Crook, 68 Md. 494. Hutton v. Marx, 69 Md. 252. May v. Wolvington, 69 Md. 117. Thillman v. Shadrick, 69 Md. 528. Gemmill v. Davis, 71 Md. 458. Huntington v. Emery, 74 Md. 67. Baltimore Pub. Co. v. Hooper, 76 Md. 115. Sanborn v. Mullen, 77 Md. 480. Laubheimer v. Nail, 88 Md. 174. Griffith v. Adams, 95 Md. 175. Singer v. Fidelity & Dept. Co., 96 Md. 224. Farmers, etc. Bank v. Hunter, 97 Md. 148. Horner v. Plumley, 97 Md. 277. Codd Co. v. Parker, 97 Md. 323-325. Smith v. Hallwood Cash Reg. Co., 97 Md. 354. Nicholson v. Synder, 97 Md. 419. Deved v. Carrington, 98 Md. 378. Abbott v. Bowers, 98 Md. 525. Steuart v. Chappell, 98 Md. 530. Colbourn Bros. v. Boulton, 100 Md. 353, 354. Miller v. Michaels, 101 Md. 188. *See note, page 219, Baltimore City Code (1879).**

1864, ch. 6, Sec. 8. 1886, ch. 184, Sec. 171. P. L. L., (1888)

Art. 4, Sec. 168.

313. The Plaintiff shall not be entitled to judgment under the preceding section, unless at the time of bringing his action he shall file with his declaration an affidavit or affirmation, if the affiant is conscientiously scrupulous to taking an oath, stating the true amount the defendant is indebted to him, over and above all discounts, and shall

Affidavit to
plaintiff's
claim; by
whom made.

*NOTES OF DECISIONS OF BALTIMORE CITY COURTS.

(1) The affidavit required of defendants, does not apply to those cases in which the defendants are executors.

(2) The Baltimore City Court has jurisdiction over a suit to recover the even sum of \$100 00, when interest thereon is recoverable as of right. *Mutual Life Ins. Co. v. Hantske*, Daily Record, December 15, 1900.

(3) *Practice Act of Baltimore City*: A special count which states no express contract to pay money, or any facts from which such a contract can be implied, cannot be filed with the common counts under the Practice Act of Baltimore City. *Murray v. Revel*, Daily Record, January 10, 1899.

(5) *Declaration*: A declaration filed under Act 1886, ch. 184, made before a Justice of Peace in another state and not having attached to it a certificate of the Judge of the Court according to the Act of Congress, is defective and a judgment of *non pros*, will be allowed on motion. *Downs v. Appold*, Daily Record, October 19, 1892.

(6) The declaration and affidavit must agree, otherwise a motion to strike out the judgment will prevail. *Griffith v. Graham*, Daily Record, July 15, 1891.

Bond, bill or
account to be
filed.

Particulars of
affidavit.

also file the bond, bill of exchange, promissory note or other writing or account by which the defendant is so indebted; or if the action be founded upon a verbal or implied contract, shall file a statement of the particulars of the defendant's indebtedness thereunder. If there are two or more plaintiffs, the said affidavit or affirmation, may be made by any one of them, or if all the plaintiffs be absent from the State at the time of the bringing of said suit, or if the plaintiff be a corporation, the said affidavit or affirmation may be made by an agent of plaintiff or plaintiffs, or any of them, who will make further oath or affirmation that he has personal knowledge of the matters therein stated; and the said affirmation or affidavit may be made before any of the persons who may take an affidavit or affirmation to authorize the issuing of a foreign attachment, and may be certified in the same manner.**

Mailhouse v. Inloes, 18 Md. 332. *Griffin v. Leslie*, 20 Md. 15. *Smithson v. The United States Telegraph Co.*, 29 Md. 165. *Jones v. Freeman*, 29 Md. 276. *Greff v. Fickey*, 30 Md. 79. *State v. Steibel*, 31 Md. 37. *Knickerbocker Life Ins. Co. of New York v. Hoeske*, 32 Md. 318. *McAllister v. Eichengreen*, 34 Md. 56. *Norris v. Wrenschall*, 34 Md. 499. *Canton Nat. Bldg. Ass'n v. Weber*, 34 Md. 671. *Jones v. Barnett*, 35 Md. 260. *Ingalls v. Crouch*, 35 Md. 296. *Keene v. Whittington & Co.*, 40 Md. 497. *Loney v. Bailey*, 43 Md. 10. *McSherry v. Brooks*, 46 Md. 122. *Mayor v. Ideson*, 47 Md. 542. *De Atley v. Senior*, 55 Md. 479. *Parkhurst v. Citizens Nat. Bank*, 61 Md. 254. *The Orient Mutual Insurance Co., v. Andrews*, 66 Md. 371. *Thorne v. Fox*, 67 Md. 67. *Thillman v. Shadrick*, 69 Md. 528. *Gemmil v. Davis*, 71 Md. 458. *Balto. Pub. Co. v. Hooper*, 76 Md. 165. *Laubheimer v. Nail*, 88 Md. 174. *Singer v. Fidelity & Deposit Co.*, 96 Md. 224. *Smith v. Smallwood Cash Reg. Co.*, 97 Md. 354. *Nicholson v. Snyder*, 97 Md. 419. *Deved v. Carrington*, 98 Md. 378. *Abbott v. Bowers*, 98 Md. 525. *Colbourn v. Boulton*, 100 Md. 357.

1864, ch. 6, Sec. 9. 1886, ch. 184. P. L. L., (1888) Art. 4, Sec. 169.
1894, ch. 184.

314. When any judgment by default shall be entered under any of the preceding sections, the court may assess

**NOTE.—In connection with the provisions of Section 313, *see further*: *Wilson v. Wilson*, 8 Gill 192. *Cumberland Coal & Iron Co. v. Hoffman Steam Coal Co.*, 22 Md. 499. *Warwick v. Chase*, 23 Md. 154. *Eveesson v. Selby*, 32 Md. 345. *The Universal Life Ins. Co. v. Bachus*, 51 Md. 31. *Horner v. Plumley*, 97 Md. 271.

the damages on proof thereof without empanelling a jury to do so, unless the defendant shall have filed a motion in writing before the entry of such default for a jury trial, and shall have stated in such motion how much of the plaintiff's demand is disputed, and how much thereof, if any, is admitted by said defendant to be due, and in such case the plaintiff may forthwith have judgment entered up for the amount so admitted, as provided in the preceding section.*

Damages, how assessed.

Judgment to be entered up.

Mailhouse v. Inloes, 18 Md. 332, 333. *Knickerbocker Ice Co. v. Hoeske*, 32 Md. 317. *Norris v. Wrenschall*, 34 Md. 492. *Laubheimer v. Nail*, 88 Md. 174. *Singer v. Fidelity & Deposit Co.*, 96 Md. 224. *Colbourn v. Boulton*, 100 Md. 358.

1890, ch. 433. P. L. L. (1888) Art. 4, Sec. 169A.

315. If the defendant shall dispute the whole or any part of the plaintiff's demand in any action brought under the provisions or the three foregoing sections, and upon trial of the case the plaintiff shall recover a judgment for any portion of his demand so disputed, then the plaintiff shall be allowed in addition to the costs of the suit, reasonable counsel fees, to be fixed by the court, said fees not to be less than twenty-five dollars nor more than one hundred dollars.†

Counsel fee to plaintiff when he recovers any of disputed portion.

1904, ch. 9.

315A. In any action in the Superior Court of Baltimore City, in the Court of Common Pleas, or in the Baltimore City Court, which has been brought to the February Rule-Day, 1904, or which has been or may hereafter be brought to the March Rule-Day, 1904, no plea shall be required to be filed before April 15, 1904.

Time for filing pleas extended.

*NOTE.—*Judgment by Default*: joint liability after judgment by default. In *assumpsit* against two or more persons sued jointly, the defendants on inquisition, after judgment by default, cannot deny their joint liability. *Santa Clara Mining Co. v. Williams*, Daily Record, March 8, 1894.

†NOTE.—As to provisions of Section 315 relating to counsel fees, see, *Singer v. Fidelity and Deposit Co.*, 96 Md. 224.

1886, ch. 184. P. L. L., (1888) Art. 4, Sec. 170.

Bills of exception.

When to be signed.

316. Bills of exception may be signed in any cause pending in any of said courts at any time within thirty days from the rendition of the verdict of the jury or the findings of the court upon the issues of fact in said cause, but not thereafter, unless the time for signing said bill of exception shall have been previously extended by order of court or by consent of parties; but nothing herein shall prevent either party from requiring the bills of exception to be signed before verdict.

Gottlieb v. Fred. W. Wolff Co., 75 Md. 126. *Preston v. McCann*, 77 Md. 30. *Edelhoff v. Horner-Miller Co.* 86 Md. 595-605. *Am. Tobacco Co. v. Strickling*, 88 Md. 500.

1886, ch. 184. P. L. L., (1888) Art. 4, Sec. 171.

Revisory power of court.

317. Any action taken or order passed by any of said courts in relation to any judgment rendered by it, if taken or passed within thirty days after the entry of such judgment, or upon a motion or application made to it within said thirty days, shall have the same effect and force as it would have had under the practice heretofore existing in said court if taken or passed during the term, or upon a motion or application made during the term at which said judgment was entered, and no more; but any such action taken or order passed after the expiration of thirty days from the entry of any judgment, (unless upon a motion or application made within that time), shall have the same effect and force as it would have had under such previous practice, if taken or passed after the expiration of said term, and no more; and the said courts shall respectively have, for a period of thirty days after the doing of any act

NOTE.—In relation to bills of exception generally, *see*: *Briscoe v. Ward*, 1 H. & J. 165. *Dakin v. Pomeroy*, 9 Gill 1. *Marsh v. Hand*, 35 Md. 123. *Balto Bldg. Ass'n v. Grant*, 41 Md. 560. *Carey v. Merryman*, 46 Md. 89. *Donohue v. Shadrick*, 46 Md. 226. *Horn v. Buck*, 48 Md. 358. *Ruppertsburger v. Clark*, 53 Md. 402. *Weiskittel v. State*, 61 Md. 48. *Thomas v. Ford*, 63 Md. 346. *Mayor, &c., Westminster v. Shipley*. 68 Md. 610. *Bowling v. Turner*, 78 Md. 595. *Central Ry. Co. v. Coleman*, 80 Md. 335.

or thing in any cause before them, the same revisory power and control over such act or thing which, under the practice heretofore existing, they would have had over the same during the term at which it was done, and no more; and after thirty days from the doing of any such act or thing, the said courts shall have the same revisory power and control thereover, which, under such previous practice they would have had after the expiration of the term at which said act or thing was done, and no more.

When power
may be exer-
cised and its
effect.

Preston *v.* McCann, 77 Md. 33. Laubheimer *v.* Johnson, 98 Md. 685.

1886, ch. 184. P. L. L., (1888) Art. 4 Sec. 172.

318. In all cases where the pre-existing laws direct or require that any act or thing shall be done in or by any of said courts during the same term at which some other act or thing may be done or happen, such first mentioned act or thing shall hereafter be done within thirty days after the doing or happening of said last mentioned act or thing.

Thirty day
rule.

1867, ch. 164. 1886, ch. 184. P. L. L., (1888) Art. 4, Sec. 173.

319. All appeals from Justices of the Peace to the Baltimore City Court shall stand for trial on the day following the return day to which the appellee shall be returned summoned, or the second return day to which the summons issued for the appellee shall be returned *non est*. But before the Baltimore City Court shall proceed to try any such appeal, the court shall first be satisfied that all costs incurred on the judgment and proceedings before the justice have been paid by the appellant.*

Appeals from
Justices of
the Peace.

*NOTE.—*Appeals from Justices of the Peace.* Where a Justice of the Peace refuses to send papers to the Baltimore City Court on appeal, on writ of mandamus, said court will compel him to do so, and the court will decide whether an appeal will lie.

Stewart *v.* Duvall, Daily Record, March 7, 1897.

Equity has no jurisdiction over magistrate's appeals.

Mankowitz *v.* Pruzan, Daily Record, April 20, 1898.

1892, ch. 186. P. L. L., (1888) Art. 4, Sec. 173A.

Mayor and City Council to have right of appeal in condemnation cases.

Procedure in appeal cases.

320. In all cases in which appeals are or may be allowed to the Baltimore City Court from the decisions of any commissioners, or other persons appointed in any manner to determine any benefits or damages in any form of condemnation proceedings, for the use of the Mayor and City Council of Baltimore, it shall be lawful for the City to enter appeals in the same manner and within the same time or times allowed for their entry by other persons ; and all such appeals by whomsoever prayed within the time or times limited therefor, shall be heard and determined by the Baltimore City Court as speedily as may be, each person interested being secured in his, her or its rights to a jury trial ; and in case there should be more than one appeal in reference to the same piece of property, they may all be heard together, in the discretion of the court, before one jury ; *provided*, a sufficient panel of jurors be furnished, so that the City and the owners or representatives of each separate interest or estate in such property may strike four names from such panel ; the practice, including the right of appeal to the Court of Appeals in all such cases, shall conform as near as may be to the practice now prevailing in said court in the trial of appeals from the decisions of the Commissioners for Opening Streets.

1892, ch. 634. P. L. L., (1888) Art. 4 Sec. 173B.

Supreme Bench to designate two Judges to sit in registration and naturalization cases.

321. The Supreme Bench of Baltimore City shall annually designate two members of the said bench to sit in their respective courts, attended by their clerks, during the annual sittings of the Registers of Voters, and also on the four Saturdays immediately preceding the September session of the Registers of Voters of the City of Baltimore, for the purpose of hearing and determining applications for naturalization, and such applications shall have precedence over all other business.

1900, ch. 705.

321A. The Supreme Bench is authorized to adopt rules and regulations governing the subject of naturalization of

aliens in the Courts of Baltimore City, and imposing a uniform scale of charges to be collected from the persons applying for naturalization to defray the expenses incident to the operation of said rules and regulations.

Rules and charges governing in naturalization cases.

P. L. L., (1888) Art. 4, Sec. 173A. 1894, ch. 392.

322. Whenever the record of proceedings in any suit, action or issue pending in one of the courts of common law in the City of Baltimore shall be directed to be transmitted for trial to some other such court of the said City, in accordance with Article 4, Section 8, of the Constitution, it shall be the duty of the clerk of the court from which the said record of proceedings is so directed to be removed, to immediately deliver to the clerk of the court to which the same is so directed to be removed, all the original papers in the said cause, together with a certified copy of all docket entries relating to the same, which original papers and copy of docket entries shall constitute such record of proceedings for the purposes of such trial; and it shall thereupon become the duty of the judge of the court to which the said suit, action or issue shall be removed immediately by special order to assign the same for trial to such day, or in sequence to such other causes, as he shall consider just and proper.

Transmission of records of proceedings to some other common law court.

Duty of Judge in such cases.

Weiskittel v. State, 58 Md. 155. De Murgiondo v. Frazier, 63 Md. 94.

*Circuit Court of Baltimore City.***

P. G. L., (1860) Art. 29 Sec. 58. P. L. L., (1888) Art. 4, Sec. 174.

323. Whenever in any case instituted in the Circuit Court a jury is asked for and allowed, or is desired by the

Jury in Circuit Court cases.

****NOTE.**—As to jurisdiction of this Court, see, Barth v. Rosenfeld, 36 Md. 604, and Orrick v. Boehme, 49 Md. 72.

Commissions of Trustees. Rule of the Circuit Courts of Baltimore City as to commissions to trustees for making investments of trust funds pending litigation and general management of trust funds, construed, in re Trust Estate Hiss, Daily Record, March 18, 1891.

Costs in Equity. The stenographer's *per diem* and one copy of testimony are taxable as costs in equity under the 35th equity rule. Beecher v. Baltimore Sterling Silver Co., Daily Record, January 11, 1896.

Judge thereof, the Judge shall issue an order to the Sheriff of Baltimore City, requiring him to summon twenty jurors to attend the court, when proceedings shall be had in such cases as is usual in like cases in equity.

1874, ch. 312. P. L. L., (1888) Art. 4, Sec. 175. 1888, ch. 194.

Opinions not
required to
be filed.

324. The Judge of the Circuit Court is not required to file opinions for or in respect of any final decree or decretal order, whenever such decree or order shall have passed upon argument, oral or in writing, on the part of any of the parties to a cause. This section shall apply also to the⁵Judge of the Circuit Court Number Two of Baltimore City.

Circuit Court Number Two of Baltimore City.

1888, ch. 194. P. L. L., (1888) Art. 4, Sec. 176.

Powers of.

Proviso.

325. Another court is established in and for the City of Baltimore, to be styled the Circuit Court Number Two of Baltimore City. The powers and jurisdiction of said court shall be concurrent with those now held and exercised by the Circuit Court of Baltimore City, and both of said courts shall have the same terms and return days; subject, however, to such rules and regulations for a proper distribution and apportionment of business between them as the Supreme Bench of Baltimore City shall from time to time prescribe.

Ridgely v. Ridgely, 79 Md. 208.

1888, ch. 194. P. L. L., (1888) Art. 4, Sec. 177.

Additional
Judge.

326. There shall be elected another Judge of the Supreme Bench of Baltimore City, by the legal and quali-

Striking out Decrees. The striking out of a decree before enrollment is subject to the control of the Court during the term at which a decree is passed; during such term a decree is subject to the control of the Court and liable, upon proper grounds shown by petition, to be altered or reversed. *Whitelock v. Bank of Commerce*, Daily Record, May 15, 1897.

As to non-jury trials and removals of cases from one court in Baltimore City to another, *see*, *Chappell Chemical, etc. Co. v. Sulphur Co.* 85 Md. 684.

fied voters of said city at the election to be held in said City on the Tuesday next after the first Monday of November, eighteen hundred and eighty-eight; the said Judge, when elected, to be subject to all the provisions of the Constitution relating to the Supreme Bench in Baltimore City and the several judges thereof.*

1888, ch. 194. P. L. L., (1888) Art. 4, Sec. 178

327. There shall be elected at the same election by the legal and qualified voters of Baltimore City, a clerk for said Circuit Court Number Two of Baltimore City, who shall be subject to all the provisions of the Constitution relating to the Clerk of the Circuit Court of Baltimore City.

Additional clerk.

1904, ch. 624.

327A. Whenever any suit is instituted in one of the Circuit Courts of Baltimore City, and after one or more of the defendants is or are returned summoned, or voluntarily appears in the case without being summoned, a copy of the bill filed in the suit shall be served on one of the defendants, or the solicitor of record in the case of one or more of the defendants so returned summoned or appeared in the case, and a copy of all intermediate pleadings, petitions, orders and answers shall be served on one of the opposite parties in the case, or upon one of the solicitors of record in the case before filing the same. Until the said copies have been served as above mentioned, no party to the suit shall be considered in default of any rule of the court. This Act shall not apply to suit instituted by the consent of all parties to the case, nor to proceedings instituted to foreclose mortgages.

In suits instituted in Circuit Courts of Baltimore, copies of pleadings to be served on opposing parties; no default until copy is served; exceptions to rule.

Criminal Court of Baltimore.

P. L. L., (1860) Art. 4, Sec. 175. P. L. L., (1888) Art. 4, Sec. 179.

328. The Criminal Court of Baltimore shall hold three regular sessions yearly, to commence on the second Monday of January, second Monday of May, and second Monday

Terms of.

*NOTE.—For Legislative authority providing for the election of additional judges authorized by the Constitution, *see*, Act 1894, ch. 284 and Act 1896, ch. 95. *And see also*, Act 1906, ch. 234.

of September ; and such sessions shall continue until all the business before it shall be finished.*

P. L. L., (1860) Art. 4, Sec. 176. P. L. L., (1888) Art. 4, Sec. 180.

Trial of cases.

329. At special sessions of said court, all cases may be tried and disposed of as at the regular terms thereof.

P. G. L., (1860) Art. 29, Sec. 59. P. L. L., (1888) Art. 4, Sec. 181.

Jurisdiction.

330. The Criminal Court of Baltimore shall have jurisdiction in all cases of felony, and other crimes, offences and misdemeanors within the City of Baltimore.

1864, ch. 50. P. L. L., (1888) Art. 4, Sec. 182.

Sentence for
petty lar-
ceny.

331. Any person convicted in the Criminal Court of Baltimore of larceny committed in Baltimore City to an amount under five dollars, may in the discretion of the judge of the said court, be sentenced to hard labor in the jail of Baltimore City for not less than six months nor more than two years, instead of the penitentiary.

P. G. L., (1860) Art. 29, Sec. 62. P. L. L., (1860) Art. 4, Sec. 177.
P. L. L. (1888) Art. 4, Sec. 183.

Commitments,
when to be
returned.

332. All commitments and recognizances for all felonies, crimes, offences and misdemeanors committed within said City, shall be returned from time to time by any Justice of the Peace taking the same before said court, and shall be lodged with the clerk of said court on the day next preceding the day appointed for holding the said court.

*NOTE.—In relation to the assignment of judges of the Criminal Court to sit separately with a separate jury for the trial of cases, *see* Jackson *v.* State, 87 Md. 191.

NOTE.—*Commitments.* As to defective commitments, *see, in re* Flanigan, Daily Record, December 19, 1904, and *in re* Livingstone, Daily Record, December 30, 1889; *also*, Cornish *v.* Warden City Jail, Daily Record, December 20, 1892. As to commitments generally, *see* Adams *v.* Supt. Maryland House of Refuge, Daily Record, December 3, 1903.

P. L. L., (1860) Art. 4, Sec. 184. P. L. L., (1888) Art. 4, Sec. 189.

333. It shall be the duty of the Sheriff to make return of each *capias* upon presentment or indictment from said court within five days after the same is delivered to him by the clerk; and if said *capias* is returned *non est*, the clerk shall, in the discretion of the State's Attorney of Baltimore City, order said *capias*, to be re-issued, and the same *capias* shall again be delivered to the sheriff; and the date of the first return thereof shall be endorsed thereon; and the second return shall be made within the time above specified; and in case the said *capias* is returned the second time *non est*, the same shall be again so endorsed and delivered to the Sheriff.

Return of
capias.

Indorsements
thereon and
re-issues.

P. L. L., (1860) Art. 4, Sec. 185. P. L. L., (1888) Art. 4, Sec. 190.

334. The clerk of said court and the Sheriff of said City shall be allowed only the fees for the issue of one *capias*, or for the service of one *capias* in each term, however often the same may be issued or returned.

Fees for *capias*.

P. L. L., (1860) Art. 4, Sec. 186. P. L. L., (1888) Art. 4, Sec. 191.

335. All *subpœnas* for witnesses from said court shall be returned by the Sheriff within six days after the same are issued by the clerk, or within six days after the day of the renewal of such *subpœnas*, unless the same are ordered to be returned immediately, in which case they shall be so returned, if practicable.

Subpœnas,
when return-
able.

P. L. L., (1860) Art. 4, Sec. 187. P. L. L., (1888) Art. 4, Sec. 192.

336. The said Sheriff shall be allowed for the service of one *subpœna* only, against any witness that may be returned *non est*, and for whom the said *subpœna* may be renewed, whether once or oftener in one term.

Allowance for.

P. L. L., (1860) Art. 4, Sec. 188. P. L. L., (1888) Art. 4, Sec. 193.

Renewal of.

337. The clerk of said court, if a *subpœna* is renewed by order of the State's Attorney, or by the counsel of the prisoner or traverser, shall endorse the renewal, on the *subpœna*, and the same shall have all the legal effect of a new *subpœna* issued in the term of said court during which said *subpœna* was first issued.

P. L. L., (1860) Art. 4, Sec. 189. P. L. L., (1888) Art. 4, Sec. 194.

Penalty for failure to make returns.

338. The Sheriff of said City shall be subject to a penalty of five dollars in each case in which returns are not made within the time prescribed in this sub-division of this Article.

1890, ch. 250. P. L. L., (1888) Art. 4, Sec. 194A.

Witnesses before Grand Jury, how sworn.

339. Witnesses appearing before the Grand Jury shall be sworn in the presence of the Grand Jury by the foreman or by some other member appointed by the foreman for that purpose.

P. G. L., (1860) Art. 29, Sec. 64. P. L. L., (1888) Art. 4, Sec. 196.

Costs upon acquittal.

340. In all cases of misdemeanor which may be prosecuted in said court at the instance of any person, if the party so prosecuted shall be acquitted, all the legal costs and expenses attending the prosecution shall be paid by the person at whose instance such prosecution was commenced, unless the court shall certify that there was probable cause for the prosecution.

P. G. L., (1860) Art. 29, Sec. 65. P. L. L., (1888) Art. 4, Sec. 197.

Recovery of costs upon acquittal.

341. The same process may be issued for the recovery of the costs and expenses of such prosecution against the person who may become liable therefor under the last preceding section, as could be issued against the party prosecuted, if he had been convicted.

1886, ch. 46. P. L. L., (1888) Art. 4, Sec. 198.

342. The Mayor and City Council of Baltimore shall not be liable in any criminal cases tried in the Criminal Court of Baltimore for the appearance fees allowed by law to the attorney of the traverser.

Appearance
fee.

P. G. L., (1860) Art. 29, Sec. 66. P. L. L., (1888) Art. 4, Sec. 199.

343. Whenever the Grand Jury shall find any presentment against any person for misdemeanor they shall endorse on the presentment the name of the person at whose instance such presentment is made, who shall be deemed and taken to be the person at whose instance such prosecution was commenced.

Name of prose-
cutor.

P. G. L., (1860) Art. 29, Sec. 67. P. L. L., (1888) Art. 4, Sec. 200.

344. If any security in any recognizance shall request to deliver up the principal, said court, or the judge thereof in the recess, may accept such surrender, and may require and take other recognizance, or commit the principal to jail until he gives such security as the law requires.

Surrender of
principal.

P. G. L., (1860) Art. 29, Sec. 68. P. L. L., (1888) Art. 4, Sec. 201.

345. If any person convicted in said court shall have a child or children under the age of twenty-one years, and shall not have property sufficient to maintain such child or children, the said court may bind such child or children to any trade or handicraft; females until the age of sixteen, and males to the age of twenty-one years.

Binding out
children.

P. G. L., (1860) Art. 29, Sec. 69. P. L. L., (1888) Art. 4, Sec. 202.

346. If any person who shall be summoned as a witness to said court shall fail to attend as required in said summons, he shall be fined by said court in its discretion, not exceeding one hundred and fifty dollars.

Fine of absent
witness.

P. G. L., (1860) Art. 29, Sec. 70. P. L. L., (1860) Art. 4, Sec. 132.
P. L. L., (1888) Art. 4, Sec. 203.

Forfeiture of
bail.

347. In all criminal cases in the said court in which bail shall be forfeited, the person who shall have entered into such recognizance for the appearance of any traverser or prisoner shall be liable forthwith to an attachment for contempt for the non-appearance of said party, which attachment shall be issued by the court in which an indictment against said traverser or prisoner is pending, at the instance of the attorney prosecuting therein.

P. G. L., (1860) Art. 29, Sec. 71. P. L. L., (1860) Art. 4, Sec. 133.
P. L. L., (1888) Art. 4, Sec. 204.

Enforcement
of forfeiture.

348. In all cases in which bail as aforesaid is forfeited, the court may, on the return of said attachment, order the person attached to stand committed until the amount of said recognizance is fully paid and satisfied, or may order said person to be discharged upon the payment of such lesser sum as it shall, in its discretion, deem proper; *provided*, such sum be not less than the amount of the costs which may have accrued in the case up to the time of passing such order.*

1865, ch. 187. P. L. L., (1888) Art. 4, Sec. 205.

Fee in re-
moved cases,
to State's At-
torney.

349. In all criminal cases removed from the Circuit Court for Baltimore County to the Criminal Court of Baltimore and tried, the Judge of the Criminal Court may allow to the State's Attorney for Baltimore City in addition to the sum now allowed by law, a compensation not exceeding forty dollars in any one case, to be paid by Baltimore County to the City Register, for the benefit of the State's Attorney.†

*NOTE.—See note page 207, City Code (1879).

†As to costs and counsel fees in removed cases *see*: Mayor, etc. v. Co. Commrs., Balto. Co., 19 Md. 554. Co. Commrs., How. Co. v. Co. Commrs., Fred. Co., 30 Md. 432. M. & C. C. of Balto. v. Co. Commrs., How. Co., 61 Md. 326. *Cf.*, note to Wright v. Hammer, 5 Md. 370.

P. G. L., (1860) Art. 29, Sec. 7. P. L. L., (1888) Art. 4, Sec. 206.

350. The Criminal Court of Baltimore may appoint assistant counsel for the State to aid in the trial of criminal or other State cases in said court whenever in the judgment of the court the public interest requires it. Assistant counsel for State.

P. G. L., (1860) Art. 29, Sec. 8. P. L. L., (1888) Art. 4, Sec. 207.

351. The Mayor and City Council of Baltimore shall levy and pay such sum as in their judgment will be an adequate compensation for the services rendered by such assistant counsel; *provided*, the sum levied and paid in any single case shall not exceed one hundred dollars. Pay of.

Orphans' Court.

1865, ch. 169. P. L. L., (1888) Art. 4, Sec. 208. 1898, ch. 256. 1900, ch. 182.

352. The Judges of the Orphans' Court of Baltimore City shall receive nine dollars for every day's attendance upon the sessions of said Court, to be paid by the City of Baltimore monthly, and the sessions of said Court shall continue from 11 A. M. until 3 P. M., if necessary for the transaction of business of the Court. Per diem of Judges.

1868, ch. 20. P. L. L., (1888) Art. 4, Sec. 209. 1900, ch. 182.

353. The Bailiff of said Orphans' Court shall receive five dollars a day for each day's attendance upon said Court. Per diem of Bailiffs.

Register of Wills.

P. L. L., (1860) Art. 4, Sec. 824. P. L. L., (1888) Art. 4, Sec. 210.

354. The Register of Wills of Baltimore City, upon his election or appointment, and at and before the expiration of every two years thereafter, shall give bond to the State Bond of.

of Maryland in the sum of thirty thousand dollars, conditioned for the faithful performance of all the duties now or which may hereafter be required of him by law, with securities, the sufficiency of which shall be certified by the Judges of the Orphans' Court for said City, the same to be approved by the Comptroller of the State, and when approved, to be filed in his office.

As to commissions, *see*, *Banks v. State*, 60 Md. 305.

P. L. L., (1860) Art. 4, Sec. 825. P. L. L., (1888) Art. 4, Sec. 211.

Approval of
Bond.

355. When said bond is inspected by the judges of said court, and is deemed good and sufficient, and is so certified, the same shall be forthwith entered among the proceedings of said court, and sent to the Comptroller for his approval; and when said bond shall be approved by the Comptroller, he shall forthwith make a certificate of the fact of such approval, and send the said certificate to the Judges of said Orphans' Court, and the same shall be entered among the proceedings of the court.

P. L. L., (1860) Art. 4, Sec. 826. P. L. L., (1888) Art. 4, Sec. 212.

Failure to give
Bond.

356. A refusal or neglect on the part of said Register to give bond, to be approved and recorded as aforesaid, within the time prescribed, shall be deemed a disqualification within the meaning of the Constitution, and thereupon his place shall be filled according to the provisions of the 25th and 41st sections of the 4th Article of the Constitution, and subject to the term and service therein prescribed.

*Clerks of the Law Courts of Baltimore City.**

P. G. L., (1860) Art. 18, Secs. 66, 71. 1867, ch. 401. P. L. L., (1888) Art. 4, Sec. 213.

Clerks' Bonds.

357. The Clerk of the Superior Court of Baltimore City shall give bond to the State of Maryland in the sum of

*NOTE.—*Powers of Clerks of Law Courts of Baltimore City.* Sections 11 and 15 of Article IV of the Constitution of 1851 confer the powers of

thirty thousand dollars ; the Clerk of the Court of Common Pleas in the sum of fifty thousand dollars, and the Clerk of the Baltimore City Court in the sum of twenty thousand dollars, each of said bonds conditioned for the faithful performance of all the duties now required of each of said clerks by law, with sufficient securities ; the sufficiency of which securities shall be certified to by the Judge of each of said courts, and approved by the Comptroller of the State as herein directed.**

Vansant *v.* State, 96 Md. 110. Amer. Bonding Co. *v.* Mechanics Bank, 97 Md. 604.

P. G. L., (1860) Art. 18, Sec. 67. P. L. L., (1888) Art. 4, Sec. 214.

358. When the sufficiency of the securities in each of said bonds is certified to by the judges of the several courts, the bonds shall be immediately recorded among the proceedings of the court to which the said clerk belongs, and then sent to the Comptroller for his approval ; and if the comptroller shall approve said bonds and securities he shall certify the same to the judges of said several courts, and such certificates shall be recorded in such respective courts. To be re-
corded.

P. G. L., (1860) Art. 18, Sec. 68. P. L. L., (1888) Art. 4, Sec. 215.

359. Each of said clerks shall every second year renew his said bond in the same penalty, and with securities to be certified and approved as hereinbefore directed. Renewal of.

P. G. L., (1860) Art. 18, Sec. 69. P. L. L., (1888) Art. 4, Sec. 216.

360. If any one of the clerks of said courts shall fail to give bond as hereinbefore directed, within thirty days Effect of
failure to
give bond.

the Clerk of the Baltimore County Court on the Clerks of the Court of Common Pleas and the Superior Court ; all doubts on this point are removed by Acts of 1886, ch. 154 and 1884, ch. 233. B. & O. R. R. Co. *v.* Smith, Daily Record, March 27, 1890.

**Bond of Clerk of Court is liable for Salaries of his deputies. State use of Smith *v.* Turner, 101 Md. 584.

after he has received his commission, or shall fail to give a new bond within thirty days after the expiration of two years from the date of the bond previously given, it shall be regarded as a misdemeanor in office, and upon conviction thereof he shall be removed.**

Dowling *v.* Smith, 9 Md. 242.

P. G. L., (1860) Art. 18, Sec. 70. P. L. L., (1888) Art. 4, Sec. 217.

Sureties upon.

361. No deputy or assistant of a clerk shall become a surety on his official bond.

1864, ch. 74. 1864, ch. 385. P. L. L., (1888) Art. 4, Sec. 218.

Index of judgments.

362. The Clerks of the Superior Court of Baltimore City, of the Common Pleas, and Baltimore City Court are each authorized and required to prepare an index of all judgments rendered in the courts aforesaid; and they shall severally, on each day after the adjournment of court, enter in a book to be provided for that purpose, an index of each judgment rendered in the court whereof he is clerk; and they are authorized severally to charge and receive ten cents for each judgment indexed as aforesaid; said fee to be taxed in the bill of costs of each case in which judgment is entered—to be collected as other fees are now collected.

P. G. L., (1860) Art. 18, Sec. 73. P. L. L., (1888) Art. 4, Sec. 218.

Licenses.

363. All the provisions of sections 61-66 inclusive of Article 17 of the Code of Public General Laws, title "Clerks of Courts," sub-title "Clerks of the Circuit Courts," relating to the obtaining of blank licenses, granting the same and returning an account thereof to the Comptroller by the clerks of the circuit courts for the counties, shall apply to the Clerk of the Court of Common Pleas, and it shall be his duty to comply with such provisions.

**NOTE.—See note to Sec. 54, Art. XIV, page 210, Baltimore City Local Code (1879).

1890, ch. 630. P. L. L., (1888) Art. 4, Sec. 218A. 1896, ch. 435.

364. The Clerk of the Superior Court of Baltimore City is authorized and empowered to have fair and legible copies made of such land record books in his custody of the classes and description hereinafter named, as have become worn, mutilated or illegible, that is to say, fifty-six volumes of the said land record books, of a date prior to the year eighteen hundred; five volumes of the series of land record books known as "W. G." and eight volumes of the said land record books, of the series known as "E. D."

Certain records
to be copied.

1898, ch. 146.

§364a. It shall be the duty of the Clerk of the Superior Court of Baltimore City, as soon as practicable after the passage of this Act, to make and prepare for use in his office new indexes of all land records and conveyances in his keeping between the years 1864 and 1886, and rearrange them in accordance with the modern system, as now used in his office for the current work.

Clerk to pre-
pare new in-
dexes.

1902, ch. 189.

§364b. The Clerk of the Superior Court of Baltimore City is hereby authorized to prepare a set of indexes, upon the block system, or general index plan, now in use in his office, as may appear to be most practicable, for the land records covering the period between the years 1851 and 1888.

Land Indexes
1851-1888, to
be prepared.

1890, ch. 630. P. L. L., (1888) Art. 4, Sec. 218B.

365. A copy made in pursuance of the provisions of the preceding sections, and compared and certified under oath by the said Clerk of the Superior Court of Baltimore City, to be a true copy, shall have the same force and effect when deposited among the said land records of said City, as if it were an original record.

Copies to be
evidence.

1890, ch. 630. P. L. L., (1888) Art. 4, Sec. 218C.

Record books
to be kept.

366. After the aforesaid copies shall have been duly made as above provided, the original land record books so replaced shall be removed to some place of safe keeping by the said Clerk of the Superior Court of Baltimore City, and carefully preserved, and only exhibited or allowed to be inspected upon an order of court, or in the discretion of the said Clerk of the Superior Court of Baltimore City.

Clerk of the Criminal Court of Baltimore.

P. G. L., (1860) Art. 18, Sec. 74. P. L. L., (1888) Art. 4, Sec. 219.

Bond of.

367. The Clerk of the Criminal Court of Baltimore shall give bond to the State of Maryland in the penalty of fourteen thousand dollars, with sufficient security, to be approved by the Judge of said court; and conditioned for the faithful performance of all the duties now required, or which may hereafter be required of him by law, and to be recorded in the office of said clerk.

Renewal of.

P. G. L., (1860) Art 18, Sec. 75. P. L. L., (1888) Art. 4, Sec. 220.

368. The said clerk shall renew said bond at the same time and under the same penalty as are prescribed for the clerks of the Circuit Courts.

Clerk of the Circuit Court of Baltimore City, and of the Circuit Court Number Two of Baltimore City.

P. G. L., (1860) Art. 18, Sec. 76. 1888, ch. 194. P. L. L., (1888) Art. 4, Sec. 221.

Bond of.

369. The Clerk of the Circuit Court of Baltimore City, and of the Circuit Court Number Two of Baltimore City, shall respectively enter into bond to the State in the penalty of twenty thousand dollars, conditioned for the faithful discharge of his duties, with security to be approved by the Judge of said courts.

Salaries of Clerks of Courts.

1868, ch. 54. P. L. L., (1888) Art. 4, Sec. 222.

370. Whenever the fees or other compensation of any of the clerks of the courts of Baltimore City shall, after the payment of all necessary expenses, fail to pay such officers the salary provided for by the Constitution, and any of said clerks shall, under section 1st. Article 15, of the Constitution, have paid to the State any sum of money as excess, after retaining his salary, such excess is appropriated to the payment of the salary so in arrear until each of said clerks shall have received the full amount thereof; and it shall be the duty of the Comptroller of the State to draw a warrant upon the State Treasurer for the payment of said arrears out of the said excess, not to exceed the whole amount so in arrears, and not to exceed the whole amount of said excess paid into the treasury of the State.

Clerks' salaries payable out of fees: provision when salaries exceed fees.

1896, ch. 438.

371. The Comptroller of the State of Maryland be and he is hereby directed to draw a warrant upon the State Treasurer for the payment of the sum of twenty-five hundred dollars per annum in each and every year, in quarterly instalments of six hundred and twenty-five dollars at the end of each and every quarter, for the compensation of the trust clerk designated by the Supreme Bench of Baltimore City in the offices of the Circuit Court of Baltimore City and Circuit Court No. 2 of Baltimore City, for the supervision of the trust estates in said courts, payment of said salary to be made out of any money paid by the clerks of the several courts of Baltimore City unto the State Treasury, and on the certificate of some one of the judges of the Supreme Bench of Baltimore City that such trust clerk has performed his duties for the time so certified by said judge.

Salary of trust clerk of the Circuit Courts

Criers, Bailiffs, Watchmen and Stenographers.

P. L. L., (1860) Art. 4, Sec. 134. 1888, ch. 194. P. L. L., (1888)
Art. 4, Sec. 223.

Criers and bail-
iff, how
paid.

372. The Clerks of the Circuit Court, Circuit Court Number Two, the Criminal Court, the Court of Common Pleas, the City Court and the Superior Court of Baltimore City shall severally, at the end of every month, certify to the Mayor and Register of the City the amount due the several bailiffs and criers of their respective courts, and the Mayor and Register shall pay them accordingly.

1864, ch. 113. P. L. L., (1888) Art. 4, Sec. 224.

Salaries of
criers.

373. The City Register shall pay to the crier of the Superior Court of Baltimore City, the crier of the Baltimore City Court, and the crier of the Court of Common Pleas of Baltimore City the sum of fifteen hundred dollars per annum, in monthly instalments of one hundred and twenty-five dollars at the end of each and every month, as and for their respective salaries, on the certificates of said clerks of the said courts that said criers have performed their several duties as criers of said courts for the time so certified by said clerks.

1870, ch. 94. 1888, ch. 194. P. L. L., (1888) Art. 4, Sec. 225.

Salaries of bail-
iffs.

374. The City Register shall pay to the bailiffs, respectively, of the Superior Court of Baltimore City, of the Court of Common Pleas of Baltimore City, of the Baltimore City Court, of the Circuit Court of Baltimore City, of the Circuit Court Number Two of Baltimore City and of the Criminal Court of Baltimore City the sum of fifteen hundred dollars per annum, as and for their respective salaries, at the same time and in the same manner as is provided in the preceding section for the payment of the salaries of the crier of the Superior Court, the crier of the Baltimore City Court and the crier of the Court of Common Pleas of Baltimore City.

1872, ch. 87. 1888, ch. 194. P. L. L., (1888) Art. 4, Sec. 226.

375. The Clerk of the Circuit Court of Baltimore City and the Clerk of the Circuit Court Number Two of Baltimore City are respectively authorized and empowered to appoint a nightwatchman, whose duty shall be to strictly and vigilantly guard throughout the year, between the hours of six P. M. and seven A. M., the records and papers desposited in their respective offices, and who shall be removed in the discretion of the said clerks, respectively, for neglect or carelessness in the discharge of his duties, or for other good and sufficient cause.

Night watch-
men of Cir-
cuit Courts.

1872, ch. 87. 1888, ch. 194. P. L. L., (1888) Art. 4, Sec. 227.

376. The City Register shall pay to the said watchman the sum of nine hundred dollars per annum, as and for their respective salaries, in the same manner as is provided for the payment of the salaries of the bailiffs of the Courts.

Pay of.

1878, ch. 479. P. L. L., (1888) Art. 4, Sec. 228.

377. The Clerk of the Court of Common Pleas in Baltimore City is authorized and empowered to appoint a night watchman, whose duty it shall be to strictly and vigilantly guard, throughout the year, the records and papers deposited in the office of the Clerk of the Court of Common Pleas, and who shall be removed, in the discretion of the said clerk, for neglect or carelessness in the discharge of his duties, or for other good and sufficient cause.

Night watch-
man of Court
of Common
Pleas.

1878, ch. 479. P. L. L., (1888) Art. 4, Sec. 229.

378. The City Register shall pay to the said watchman the sum of eighty-three dollars and thirty-three cents per month, as and for his salary, in the same manner as is provided for the payment of the salaries of the bailiffs of the courts.

Pay of.

1867, ch. 373. 1892, ch. 122. P. L. L., (1888) Art 4, Sec. 230.

379. The Judges of the Supreme Bench of Baltimore City are authorized and directed to appoint from time to time as many court stenographers, not exceeding in number altogether the number of said judges, as shall in their discretion be required for the services of the several courts of Baltimore City, who shall be sworn officers of the court, and shall each be paid a salary of fifteen hundred dollars per annum, when such stenographers shall be required to attend the courts regularly, or ten dollars per diem for each day of actual employment, when he shall be appointed to attend only when his service shall be specially required by the judge; said salaries to be paid in like manner as the salaries of the other officers of the courts are now paid as prescribed in section 372 of this sub-divison.

Court stenographers.

Salaries.

1867, ch. 373. P. L. L., (1888) Art. 4, Sec. 231. 1892, ch. 122.

380. Each of the stenographers so appointed shall be skilled in the practice of his art, and shall hold his position during the pleasure of the Supreme Bench. It shall be his duty, under the direction of the judge of the court to which he may be assigned for the time being, to take full stenographic notes of all oral testimony and judicial opinions orally delivered in every judicial proceeding; and it shall be his duty to furnish to any party to such proceeding, upon request, a typewritten copy of the notes of testimony and judicial opinions so taken by him, or of such part thereof as may be required, on payment by such party of the expenses of such copy, at such rates as shall be fixed by rule of court at the time. Whenever any judge shall be satisfied that a copy of all or any part of the stenographic notes of testimony or judicial opinions, taken during any judicial proceeding at which he presided, is necessary for the purpose of justice, he shall under such rules as shall be prescribed by the Supreme Bench, pass an order that the expense of making a copy of such part of said stenographic notes as he shall specify in said order shall be deemed a necessary disbursement of the proceeding, and allowed as

Qualifications, term of office, duties.

Judge, if notes are necessary, may tax same in bill of costs.

such to the prevailing party, and it shall be so taxed in the bill of cost, but shall be paid in the first instance as shall be directed in said order.

1867, ch. 373. P. L. L., (1888) Art. 4, Sec. 232.

381. The Judges of the Orphans' Court of the City of Baltimore are authorized and directed to appoint a stenographer for that court, who shall be a sworn officer of the court, but shall be required to attend the sessions of such court only when specially summoned by the presiding judge thereof. The stenographer so appointed shall be skilled in the practice of his art, and shall hold his position so long as he efficiently discharges the duties of his office. In any proceeding in said court in which either party shall give notice that in the event of a decision of said court adverse to the claim of such party, an appeal will be taken to the Court of Appeals, the presiding judge of the court shall require the attendance of the stenographer, whose duty it shall be in such proceedings to take full stenographic notes of all oral proofs and judicial opinions orally delivered ; and in case appeal shall be taken from the decision of the court, such notes shall be transcribed, and after being signed by the witnesses, deponents or affiants, shall become a portion of the record of the case, to be transmitted by the judges of the court to the Court of Appeals. By consent of the parties to the proceedings in which such proofs shall be taken, and of the judges of said court, the signing of such record of proof by the witness, deponent or affiant, may be waived; in which case such record, after being authenticated by the certificate of said stenographer, or of the presiding judge of the court, shall be deemed to be the record of any proofs or proceedings so taken. The stenographer shall receive as compensation for his services the sum of eight dollars for each day of actual attendance at the court, by direction of the presiding judge thereof, which sum the presiding judge shall cause to be paid equally by the respective parties to the proceeding in which the notes shall be taken, and shall enforce payment thereof; and if the notes so

Stenographer
for Orphans'
Court.

When notes of
proceedings
shall be
taken; duties.

Compensation.

taken shall be transcribed, as hereinbefore provided, the expense of such transcriptions, at the rate of ten cents for each one hundred words so transcribed, shall be taxed in the bill of costs of the proceedings to the party appellant, and shall thereafter be awarded as costs by the Court of Appeals, in accordance with the provisions of the Code of Public General Laws.

Cannon *v.* Crook, 32 Md. 483. Denison *v.* Denison, 35 Md. 370.

1867, ch. 373. P. L. L., (1888) Art. 4, Sec. 233.

382. The stenographer in each of the courts hereinbefore named may appoint an assistant stenographer, who shall also be a sworn officer of the court, to assist him in the discharge of his duties; *provided* that no additional compensation shall be paid or expense incurred by reason of such appointment.

Stenographer's
assistant.

Sheriff.

1874, ch. 300. P. L. L., (1888) Art. 4, Sec. 234.

383. The Sheriff of Baltimore City shall be allowed four dollars per day for every day he shall attend, either in person or by deputy, in the Superior Court of Baltimore City, and in the Court of Common Pleas, and in the Baltimore City Court, and in the Criminal Court of Baltimore, to be paid to him out of the money received as fees or fines in the Sheriff's office, belonging to the State.

Per diem of.

1861, ch. 55. P. L. L., (1888) Art. 4, Sec. 235.

384. Any officer may send out his fees on execution at any time during the year.

Officers' fees.

1861, ch. 53. P. L. L., (1888) Art. 4, Sec. 236.

What fees
sheriff may
collect.

385. The Sheriff shall collect the fees due to the following officers, which may be placed in his hands for collection,

namely : attorneys, clerks of all the courts, commissioner of the land office, coroners, criers, registers of wills, surveyors and sheriffs.

1861, ch. 53. P. L. L., (1888) Art. 4, Sec. 237.

386. The Sheriff may distrain or execute the goods and chattels of any person against whom any fees are placed in his hands for collection ; *provided*, he has sixty days previously delivered to such person, or left at his place of abode, an account of such fees.

Distrain or execution for fees.

Witnesses, Docket Entries, Records.

1878, ch. 28. P. L. L., (1888) Art. 4, Sec. 238. 1898, ch. 123.
1900, ch. 279.

387. Witnesses attending any of the Courts of Baltimore City, except the Criminal Court of Baltimore, shall be entitled to fifty cents a day, and in the Criminal Court shall not be entitled to said allowance, except by the express order of the Court, and only in such cases as the Court in its discretion may deem proper. But any of the Courts of Baltimore City may, in its discretion, allow itinerant charges to out-of-town witnesses.

Allowance of compensation to witnesses.

1884, ch. 23. P. L. L., (1888) Art. 4, Sec. 239.

388. In any suit now pending, or hereafter to depend, in any court in the City of Baltimore, wherein a transcript of the record of any cause in any other court in the City of Baltimore might be offered in evidence, it shall be sufficient to produce the docket entries and original papers and proceedings in said last-mentioned cause, or the record book in which the same have been recorded, and if required by law to be recorded, and actually recorded, and offer the same in evidence ; and the same, when so produced and offered in evidence, shall have the same effect, to all intents and purposes, as a transcript of the

Docket entries and papers, evidence.

Production of
same may be
had at trial.

record thereof, under the seal of the court wherein the same are ; and such production may be had by any party to a suit upon a *subpœna duces tecum* issued to the clerk of the court wherein such docket entries, original papers and proceedings may be.

Kilbourn v. Goldsmith, 46 Md. 289.

Costs.

1882, ch. 354. P. L. L., (1860) Art. 4, Sec. 159½.

P. L. L., (1888) Art. 4, Sec. 240.

Costs in cases
of tort.

389. In all actions at law for wrongs, independent of contracts, in any of the courts of Baltimore City, where the verdict or inquisition of damages after default made shall be for a sum less than fifty dollars, the costs shall be adjudged to the defendant, unless the Court shall otherwise determine ; but the Court, before allowing costs to the plaintiff in such case, shall be satisfied that he had good reason for not bringing suit before a Justice of the Peace ; and in all cases of appeals whatsoever from judgments of Justices of the Peace in Baltimore City, costs shall be allowed to plaintiff or defendant, in the discretion of the Court ; *provided*, that in all cases involving the title to real estate, wherein the verdict or judgment is for the plaintiff, he shall be allowed his costs.*

Proviso.

Repp v. Berger, 60 Md. 1.

390. Repealed by Act 1902, ch. 496.

391. Repealed by Act 1902, ch. 496.

*NOTE.—*Costs.* As to allowance for costs of depositions rendered unnecessary by the appearance of party at trial, *see*,

Dorsey v. Heinzerling, Daily Record, October 18, 1897.

A rule security for costs will not be laid against a non-resident legal defendant when there is a resident equitable defendant liable for such costs under the statute.

Kellog v. Bokee, Daily Record, December 7, 1898.

As to attachment for costs, *see*, Matthews v. Davidson, Daily Record, June 17, 1891.

392. Repealed by Act 1902, ch. 496.

393. Repealed by Act 1902, ch. 496.

394. Repealed by Act 1902, ch. 496.

DEAF, DUMB AND BLIND.

P. G. L., (1860) Art. 33, Sec. 1. P. L. L., (1888) Art. 4, Sec. 246.

395. It shall be the duty of the Mayor and City Council of Baltimore, on the application of any parent, guardian or next friend (provided such parent, guardian or next friend has been a *bona fide* citizen of this state for at least two years previous to such application) of any deaf and dumb person of teachable age and capacity, not exceeding the age of twenty-one years, to inquire into the age and capacity of said deaf and dumb person, and also into the ability of such person, his or her parent or guardian, to pay the expense of his or her education; and if satisfied by evidence produced that such person is of teachable age, and is endowed with capacity to receive instruction, and that neither person, or his or her parents or guardian is possessed of means to pay for such instruction, then it shall be the further duty of the Mayor and City Council of Baltimore aforesaid to certify the same to the Governor of this State.

City to certify to Governor of fitness of applicant to receive instruction.

P. G. L., (1860) Art. 33, Sec. 2. 1865, ch. 68. 1870, ch. 478.

P. L. L., (1888) Art. 4, Sec. 247.

396. On receiving the certificate of the Mayor and City Council of Baltimore as aforesaid, it shall be the duty of the Governor to authorize the instruction of said deaf and dumb person in the Maryland Institute for the Education of the Deaf and Dumb, located at Frederick, for a term not exceeding seven years; and it shall be the further duty of the Governor, on the certificate of the President of said institution that such deaf and dumb person has been taught at said institution, to order the Comptroller of the Treasury to

Duty of Governor upon receiving certificate.

draw his warrant on the Treasurer of the State for two hundred dollars per annum for each deaf and dumb person taught in pursuance of his authority at said institution, payable to the president thereof, in quarterly payments, on the first days of January, April, July and October in each year; and the Governor shall also order the Comptroller of the Treasury to draw on the State Treasurer his warrant, payable to the proper party, for the expenses necessarily incurred in transporting and returning said deaf and dumb person; *provided*, that the whole amount drawn from the treasury for the purposes aforesaid shall not exceed seven thousand five hundred dollars in any one year; *provided*, further that the Governor shall dispose of applications in behalf of deaf and dumb persons, under the provisions of this sub-division of this Article, in the order in which they may be made; and if the applications be more than sufficient to absorb the foregoing appropriation, he shall suspend the action upon the excess until vacancies occur, or further provision be made by the General Assembly.

Regulations in regard to applications and expense of instruction.

P. G. L., (1860) Art. 33, Sec. 3. 1868, ch. 205. 1886, ch. 278.

P. L. L., (1888) Art. 4, Sec. 248.

Appropriation for instruction.

397. A sum not exceeding twenty-one thousand dollars shall be and is hereby annually appropriated, to be applied, under the direction of the Governor, in placing for instruction in the Maryland Institute for the Instruction of the Blind, such indigent blind persons of the age of nine years and upwards, inhabitants of this State and the county or City from which they are recommended, to the Governor by the county commissioners of each county, or the judges of the Orphans' Court of Baltimore City.

P. G. L., (1860) Art. 33, Sec. 4. P. L. L., (1888) Art. 4, Sec. 249.

Requisites of recommendation.

398. The recommendation shall state that such blind persons are in such indigent circumstances as to be unable from their own resources, or those of their parents, to obtain instruction, and are of good natural capacity.

1865, ch. 75. 1886, ch. 278. P. L. L., (1888) Art. 4, Sec. 250.

399. The amount per annum paid for any one individual shall not exceed the sum of three hundred dollars, nor the term of instruction eight years. Per capita cost and term of instruction.

P. G. L., (1860) Art. 33, Sec. 6. P. L. L., (1888) Art. 4, Sec. 251.

400. The Governor shall report to the General Assembly at each regular session thereof the amount of money expended by him in pursuance of the provisions of this sub-division of this article and the names, ages and places of residence of the different applicants. Governor's report of disbursements hereunder.

DESTROYING PROPERTY MALICIOUSLY.

P. L. L., (1888) Art. 4, Sec. 251A. 1896, ch. 270.

401. If any person shall maliciously cut, disfigure, mutilate, damage, destroy or otherwise injure any goods, wares, materials or merchandise intended to be manufactured, made up or converted into garments, wearing apparel or other articles of merchandise, and belonging to any other person, or shall maliciously cut, disfigure or otherwise injure any garments, wearing apparel or other articles of merchandise belonging to any other person, or shall cause the same to be done, or shall by any means cause or incite any person to do the same, upon conviction thereof, before any tribunal of competent jurisdiction, he shall be fined not more than fifty dollars, or to be sentenced to imprisonment in the House of Correction for not more than six months, or both fined and imprisoned in the discretion of the court. Penalty for malicious destruction of garments, etc.

402-425. Sections 402 to 425 both inclusive, repealed by Act 1902, ch. 296.*

*NOTE.—This act (1902, ch. 296) repeals the Local Law upon the subject of Elections, and by supplementing Art. 33 of the Public General Laws provides for elections in Baltimore City.

EXAMINING ENGINEERS.

1892, ch. 448. P. L. L., (1888) Art. 4, Sec. 297A.

Governor to
appoint
board of, bi-
ennially.

Oath.

Bond.

Office.

Notice when
examina-
tions are to
be held.

426. The Governor shall biennially appoint, in and for the City of Baltimore, two engineers who have had not less than ten years' practical experience in running steam engines, boilers and appliances pertaining to stationary or portable engines, and who have been residents of this State for not less than five years next preceding the date of their appointment, who shall constitute and be known as the "Board of Examining Engineers." The parties so appointed, before entering on their duties, shall make oath before a Justice of the Peace that they will faithfully perform the duties of their office without fear, partiality or favor; and that they will not, during their term of office, accept any money, gift, gratuity or consideration from any person, and shall give bond to be approved by the Comptroller of the State, in the sum of three thousand dollars each, for the faithful discharge of their duties; and before entering on said discharge of their said duties, the said inspectors shall provide themselves with an office in a proper location in the City of Baltimore, and shall give notice by publication for at least five days through the two daily papers having the largest circulation in said City, of the time and manner in which they will make the examinations hereinafter provided for.

1892, ch. 448. P. L. L., (1888) Art. 4, Sec. 297B.

Their duty to
examine,
give or refuse
certificates;
cost of certi-
ficates.

427. The said board shall have general supervision of all stationary engineers within the City of Baltimore; it shall be their duty to examine all engineers of the age of twenty-one years or upward, who shall apply to them for examination; and to give all parties so examined a certificate of proficiency, if found proficient, and to refuse to give such certificate if not found proficient; and the parties so receiving such certificate shall pay to said board the sum of three dollars for each certificate so issued, and for all renewals of all grades the sum of one dollar and fifty cents; said certificates shall be of three grades; a certificate of

the first grade will permit the holder thereof to take charge of any plant of machinery from one to five hundred horse-power, and the third grade to take charge of any plant of machinery from one to thirty horse-power; and the said certificate shall run for the term of one year and shall be renewed annually, the term of beginning of said certificate to be from the date of the examination of the respective applicant; *provided*, that no engineer having such certificate shall have charge of more than one plant of machinery at the same time unless said plant be of the same company and at one and the same place; and no substitute who has not been examined and received the certificate aforesaid shall be placed in charge of machinery by an engineer who has.**

Term of certificate; proviso.

1892, ch. 448. P. L. L., (1888) Art. 4, Sec. 297C.

428. All persons of twenty-one years of age or upward who, after the adoption of this Article, shall desire to fill a position as a stationary engineer, must make application to the "Board of Examining Engineers" for examination and certificate of proficiency, before he can pursue his avocation as such engineer; *provided*, that any engineer employed as stationary engineer at the works of any steam railway, or any engineer employed as such with any stationary engine, who at the time of the adoption of this Article shall have been employed at the same place for the term of six months or more, shall not be required to apply for such examination and certificate; but whenever such engineers shall remove from the place where so employed they shall be, and are hereby required to make application for examination and certificate to said Board of examining Engineers as hereinbefore provided; and *provided* further, that the provisions of this section shall not apply to persons running engines and boilers in sparsely settled country places, where not more than twenty persons are engaged

Engineers must secure certificates.

Act not to apply to certain persons.

**NOTE.—Upon inspection of section 427, *supra*, it will be observed that while provision is made for three grades of certificates for stationary engineers, the privileges conferred upon holders of the second grade are not mentioned.

in work about such engines and boilers, nor to engineers running country saw and grist mills, threshing machines and other machinery of a similar character, nor to marine engineers engaged in steamboats, ships and other vessels run by steam, nor to those engaged as locomotive engineers of any steam railway company. And in the event of any charge being made to said board, of any engineer who may hold a certificate from them, of being intoxicated, while in charge of an engine or boiler, or of the neglect of duty on the part of such engineer or engineers, it shall be the duty of said board to immediately hear such charge, and if sustained, annul such certificate. The certificate granted to the respective applicants must be framed and kept in a conspicuous place at such place as such persons may be respectively at work. Any person violating the provisions of this sub-division of this Article shall be deemed guilty of a misdemeanor, and upon trial and conviction before a Justice of the Peace, shall be fined not less than twenty-five dollars nor more than fifty dollars, one-half of which shall be paid the informer and the balance to the State.

Hearing of
charges
against engi-
neer.

Certificates.

Penalty.

1892, ch. 448. P. L. L., (1888) Art. 4, Sec. 297D.

When board
shall meet.

To inspect
steam plants.

429. Said Board of Examining Engineers shall meet at their office in the City of Baltimore for the purpose of examining applicants at least once in every week, and at a specified hour and day, and shall sit until all applicants shall be examined, and in the event of inability to examine all the applicants on the regular day of meeting, they shall continue their sessions for each successive day until the same shall be completed. They shall visit and inspect the running and management of all steam plants wherein the engineers are required to be examined as hereinbefore provided, not less than once every six months, and in the event of their finding on such examination that the engineer or engineers in charge of such plant or machinery are not running and managing the same with proper skill and care, they shall report the same to the State Board of Boiler Inspectors for their action ; and said Board of Examining

Engineers are hereby invested with power and authority to enter all such premises and make the examination herein provided for; and any owner of any such premises who shall refuse to allow them to enter and make such examination shall be deemed guilty of a misdemeanor and be punishable upon trial and conviction, as provided in the preceding section.

Powers of inspection.

Penalty for hindering board.

1892, ch. 448. P. L. L., (1888) Art. 4, Sec. 297E.

430. The said Board of Examining Engineers shall receive an annual salary of fifteen hundred dollars each, and shall have power to employ a clerk or secretary at a salary not exceeding the sum of one thousand dollars per annum, and such expense shall be allowed said board as shall be incurred in traveling expense, office rent, stationery and printing, and for which they shall produce to the Comptroller of the State Treasury, proper vouchers; *provided*, however, that no appropriation shall be made and no moneys paid by the State Treasurer to said board for or on account of said salaries and expenses, but that the same shall be paid to them by and from the fees received for the examination and certificates hereinbefore provided for; and *provided* further, that the said board shall keep a strict account of all fees received for such purposes, and quarterly, under oath or affirmation, return such statement to the Comptroller of the State Treasury; and whenever the amount is in excess of the salaries and expenses hereinbefore provided for they shall forward such excess to said Comptroller, and they shall keep a certificate book with the certificates therein duly numbered and of which to each certificate there is a corresponding stub to be filled in to correspond in all respects to the certificate issued, and subject to the inspection of the Comptroller, when he may deem the same necessary.

Salary of board. Its clerk; salary.

Accounts to be kept.

FERRIES.

1868, ch. 187. P. L. L., (1888) Art. 4, Sec. 298.

431. The Broadway and Locust Point Steam Ferry Company of Maryland is created to establish a steam ferry,

Broadway and Locust Point ferry; powers of company operating same.

suitable to transport passengers, goods, wagons, carriages, live-stock or any other transportable article, across, over and within the harbor of Baltimore; and the said corporation is made capable of erecting wharves, buildings, or any other contrivances necessary or convenient for the conduct of the business of the ferry, for which purpose the said corporation is authorized to purchase, hold, sell, rent or lease land. And the said Company is authorized and empowered to hold and use as a wharf or landing, for the use of said ferry, the end of the wharf commonly known as the County wharf, together with a right of way in common with others, through the centre of said wharf, of the width of ten feet, as a thoroughfare for travel to and from the end of said wharf; and all the remainder of the border sides and surface of the said wharf, except the end and right of way granted, is reserved exclusively for the landing of such fruits, vegetables and other agricultural products as may be brought from the counties to the City of Baltimore, for sale or otherwise.

Broadway and Locust Point Ferry Co. v. Hankey, 31 Md. 346.

1870, ch. 436. P. L. L., (1860) Art. 4, Sec. 299.

Haubert street wharf to be used exclusively.

432. The said corporation is authorized and empowered to occupy and use the wharf at the foot of Haubert Street, in the City of Baltimore, as a wharf or landing place for the ferry boats of said company, in exclusion of all other steam ferry boats plying in the harbor of said City.

1870, ch. 436. P. L. L., (1888) Art. 4, Sec. 300.

Others not to use said wharf or wharf at foot of Broadway.

433. It shall not be lawful for any steam ferry boat, other than one of those belonging to the said Broadway and Locust Point Steam Ferry Company of Maryland, to land at or use either of the sides or the end of said wharf at the foot of Haubert street, nor the end or either of the sides of the wharf at the foot of Broadway, mentioned in section 431 of this Article; and any and every person in charge, control or command of any steam ferry company, other than a boat belonging to the said company, who shall

use or attempt to use the ends or either of the sides or any part of the wharves mentioned, for a landing place or wharf for the steam ferry boat so in his charge, control or command, shall each be subject to, and shall pay a fine of twenty-five dollars for each and every time the said steam ferry boat so in his charge, control or command of such person shall touch at either of the wharves aforesaid, which fines shall be enforceable and collectible according to law.

Penalty for unauthorized use.

Broadway, etc. Co. v. Hankey, 31 Md. 346.

1870, ch. 436. P. L. L., (1888) Art. 4, Sec. 301.

434. The said company is authorized to erect gates and ticket houses on the wharves at the foot of Broadway and Haubert street in said City of Baltimore.

Gates and ticket houses.

1868, ch. 187. 1870, ch. 436. P. L. L., (1888) Art. 4, Sec. 302.
1902, ch. 351.

435. The said corporation shall keep and run on their ferry routes two good and substantial steam ferry boats, staunch and seaworthy, and supplied according to the law in such cases made and provided ; and the said corporation shall so manage the said ferry as that one of their ferry boats shall leave each end of said ferry at least every ten minutes between the hours of six o'clock A. M. and eight o'clock P. M., and at intervals of twenty-five minutes between the hours of eight o'clock P. M. and twelve o'clock midnight ; provided, that the requirements of this section shall be directory only and not mandatory upon said corporation when the weather, public convenience or traffic justify said corporation in altering said requirements.

Two ferry boats to be run; schedule of same.

1868, ch. 187. P. L. L., (1888) Art. 4, Sec. 303.

436. The said corporation shall not charge any greater sums than are contained in the following scale of prices, to wit: For one passenger, five cents; for one horse, mule or ass, and rider or driver, ten cents ; for one cow and driver, ten cents ; for every swine, three cents ; for every sheep,

Tariff of ferry charges.

two cents; for every calf, two cents; for every heifer, three cents; for one horse, cart and driver, fifteen cents; for two horses, cart and driver, eighteen cents; for one horse, wagon and driver, fifteen cents; for two horses, wagon and driver, eighteen cents; for every additional horse to those above enumerated, harnessed to a wagon or cart, three cents; for every two-seated carriage and two horses, fifteen cents; for every four-seated carriage and one horse, twelve cents; for every four-seated carriage and two horses, twenty cents; for every additional horse to those above enumerated, harnessed to a carriage, five cents; for one lumber wagon and one horse or two horses, twenty-five cents.

1868, ch. 187. P. L. L., (1888) Art. 4, Sec. 304.

Who shall pass
free.

437. Firemen in actual discharge of their duties, together with their apparatus, accoutrements and horses, police officers in the actual discharge of their duties, and all funerals, shall pass free.

FINES AND FORFEITURES.

P. L. L., (1860) Art. 4, Sec. 232. P. L. L., (1888) Art. 4, Sec. 305.
1892, ch. 411.

To whom to be
paid.

438. One-half of all fines adjudged by and accruing in the Criminal Court of Baltimore, when secured by the Sheriff of Baltimore City, shall be paid to the Mayor and City Council of Baltimore, and out of said fines the judge of said court may order and direct to be paid to the State's Attorney of said City such additional fees in cases of extraordinary duration and trouble, as he may deem just and reasonable, but this section shall not have any effect upon the rights of informers.

Rawlings v. State, 2 Md. 20.

1884, ch. 119. P. L. L., (1888) Art. 4, Sec. 306. 1894, ch. 519.

439. The Sheriff of Baltimore City shall, on or before the first day of December in each year, divide equally all

finest imposed by the Criminal Court of Baltimore City on persons convicted for keeping houses of ill-fame, among such incorporated dispensaries of said City as shall comply with the provisions of the succeeding section.

Houses of ill-fame; fines from.

Snowden *v.* Baltimore Dispensary, 60 Md. 85.

1884, ch 119. P. L. L., (1888) Art. 4, Sec. 307.

440. Such fines shall be divided equally among those incorporated dispensaries which shall, within ten days after the tenth day of November in each year file in the office of the Sheriff of Baltimore City separate reports, the truth of each of which shall be sworn to by one of the officers of the dispensary filing the same, before any officer of the State of Maryland authorized by law to administer oaths, showing that in the year preceding such tenth day of November, the said dispensary had under its charge more than two thousand separate persons as patients, and that its said dispensary was open for the treatment of disease two hours daily, and for the free distribution of medicine to the poor six hours daily on each week day and two continuous hours on each Sunday in said year.

Dispensaries to receive fines; report to be filed with Sheriff of patients treated.

1884, ch. 119. P. L. L., (1888) Art. 4, Sec. 308.

441. In case said fines shall not be claimed by any such dispensary in the manner specified in the two preceding sections, then said fines shall be paid by the Sheriff to the Mayor and City Council of Baltimore.

Unclaimed fines payable to City.

1884, ch. 119. P. L. L., (1888) Art. 4, Sec. 309.

442. The said Sheriff's official bond shall be responsible for the faithful payment of said money as hereinbefore provided, and shall be liable for any default in any duty herein required to be performed by him.

Bond of Sheriff liable.

P. L. L., (1860) Art. 4, Sec. 234. P. L. L., (1888) Art. 4, Sec. 310.

443. No person shall hereafter be allowed to give security for the payment of any fine and costs imposed by the Criminal Court of Baltimore, but any person who shall

No security for fines; imprisonment for.

Terms of imprisonment when fines are not paid.

be sentenced by the court to the payment of any fine and costs shall stand committed until they are paid; *provided*, that if such fine and costs are less than ten dollars, the person so sentenced shall be discharged from custody at the end of thirty days from the date of their imposition, if no imprisonment has also been ordered by the court, or at the end of thirty days from the expiration of the time for which said person shall have been ordered to be imprisoned, upon sufficient proof shown to the Court that the person imprisoned is unable to pay the said fine and costs; and *provided* also, that if the said fine and costs are more than ten and less than fifty dollars, the person so imprisoned shall be discharged from custody at the end of sixty days from the imposition thereof, if no imprisonment be ordered by the court, or at the end of sixty days from and after the expiration of the time for which said person has been ordered to be imprisoned, on proof shown of his inability to pay said fine and costs; and *provided*, also, that if the said fine and costs exceed the sum of fifty dollars, the person so imprisoned shall be discharged from custody at the end of six months from the imposition thereof, or from the expiration of the term for which he was ordered to be imprisoned, on proof shown of his inability to pay.

1880, ch. 211. P. L. L., (1888) Art. 4, Sec. 311.

Definition of a criminal offence within meaning of a statute or ordinance.

444. When any fine or penalty is imposed by any Act of Assembly of this State, or by any ordinance of any incorporated city or town in this State, enacted in pursuance of sufficient authority, for the doing of any act forbidden to be done by such Act of Assembly or ordinance, or for omitting to do any act required to be done by such Act of Assembly or ordinance, the doing of such act, or the omission to do such act, shall be deemed to be a criminal offence; such offence, in the City of Baltimore, shall be prosecuted by the arrest of the offender for such offence, and by holding him to appear in or committing him for

Arrest of offender.

NOTE.—In connection with fines, *see*, Day v. State, 7 Gill 322. State v. Mace, 5 Md. 337.

trial in the Criminal Court of Baltimore, at the Saturday sessions of said court, which said court shall have jurisdiction in the said cases, and shall proceed to try or dispose of the same in the same manner as other criminal cases triable at the Saturday sessions of said court may be tried or proceeded with, or disposed of, or such offence may be prosecuted by indictment in such court; such offences in any county of this State shall be prosecuted by the arrest of the offender for such offence, and by holding him to bail to appear in or committing him for trial in the Circuit Court for the county in which such offence was committed, or by indictment in the Circuit Court for such county for such offence. If any person shall be adjudged guilty of any such offence by any court having jurisdiction in the premises, he shall be sentenced to the fine or penalty prescribed by such Act of Assembly or ordinance, and to the costs of his prosecution, and in default of payment thereof he shall be committed to jail until thence discharged by due course of law; any indictment for the violation of any ordinance of any incorporated City or town of this State may conclude "against the form of the ordinance in such case made and provided, and against, the peace, government and dignity of the State."

Sentence upon conviction.

*McCracken *v.* State, 71 Md. 155. Dean *v.* State, 98 Md. 80.

FIRE.

Fire Department.

1888, ch. 393. P. L. L., (1888) Art. 4, Secs. 315, 315C.

445. The Mayor and City Council of Baltimore is hereby directed to appropriate annually such sums of money as shall be sufficient to pay the pensions of such members of the Fire Department as shall heretofore have been put upon the pension roll, and as shall thereafter be put upon said pension roll, in accordance with the provisions of this Article; and also to appropriate such sums of money as may be sufficient to afford relief to the widows and children of firemen killed in the discharge of duty.

City to appropriate money for pension of superannuated firemen.

P. L. L., (1860) Art. 4, Sec. 237. P. L. L., (1888) Art. 4, Sec. 313.

Injury to apparatus; penalty.

446. Any person who shall wilfully destroy or injure any engine, hose, reel or other apparatus whatever for the extinguishment of fires, belonging to any company in the City of Baltimore, or to the said City, shall be guilty of felony, and upon conviction thereof shall be sentenced to confinement in the penitentiary for a period not less than two nor more than five years.

P. L. L., (1860) Art. 4, Sec. 238. P. L. L., (1888) Art. 4, Sec. 314.

Assaulting firemen; penalty.

447. Any person who shall assault, beat or otherwise intentionally hurt or injure any fireman of the City of Baltimore, whilst in the discharge of his duties as fireman (except in self-defence), shall, upon conviction thereof, be sentenced to imprisonment in Baltimore City Jail for a period not less than one month, and the payment of a fine of not less than ten nor more than one hundred dollars.

Fire Gongs in Hotels.

1906, ch. 180, Sec. 1.

Must be installed, and rung in case of danger of fire.

§447a. Any building or buildings now used as hotels or apartment houses, or that shall hereafter be used as such shall have installed in said building or buildings large fire gongs, which shall be rung only in case of fire or danger of fire, so as to notify and warn the occupants thereof.

1906, ch. 180, Sec. 2.

Size to be designated by Inspector of Buildings.

How to be located and sounded.

§447b. The gongs provided for in the preceding section shall be of such size as shall be designated by the Inspector of Buildings of Baltimore City, and shall be placed one at each stair landing and one at each end of every corridor or hall, and so put up, arranged and connected that each gong can be sounded from the main office.

1906, ch. 180, Sec. 3.

§447c. Any owner, agent, lessee or manager of any building or buildings used or occupied as a hotel or apartment house, that shall neglect or refuse to comply with the provisions of this Act shall be deemed guilty of a misdemeanor, and upon indictment and conviction thereof shall be fined not less than \$250 nor more than \$1,000, for each offense.

Who must install gongs.

Penalty.

1906, ch. 180, Sec. 4.

§447d. The provisions of this Act shall not apply to buildings of twelve rooms or less.

Proviso; buildings exempted.

P. L. L., (1888) Art. 4, Sec. 315D. 1892, ch. 345. 1900, ch. 708.

448. The Mayor and City Council of Baltimore is hereby authorized and empowered to appropriate annually the sum of one thousand dollars, payable to the Veteran Volunteer Firemen's Association of Baltimore City, for the rental of a suitable building for the keeping of its apparatus, holding meetings, paying janitor, and for fuel and other necessary expenses incident to said association.

Appropriations for Veteran Volunteer Fireman's Association.

Illuminating Oils and Fluids.

1874, ch. 504. P. L. L., (1888) Art. 4, Sec. 329.

449. All oils or fluids manufactured from petroleum or its products, used for illuminating purposes in this State, which shall be manufactured or kept for sale therein, shall be required to stand a fire test of one hundred and ten degrees Fahrenheit before it shall burn, to be ascertained by Tagliabue's coal oil tester, or some other instrument constructed upon the same principle.

Oil fire test.

1874, ch. 504. P. L. L., (1888) Art. 4, Sec. 330.

450. Every person manufacturing or selling illuminating oils or fluids, manufactured from petroleum or its products, by the barrel, shall be required to have stamped upon the head of the barrel the name of the manufacturer

Stamp on barrels of fire test.

thereof and his place of business, together with the words "warranted to stand a fire test of one hundred and ten degrees Fahrenheit before it shall burn."

1874, ch. 504. P. L. L., (1888) Art. 4, Sec. 331.

Unlawful man-
ufacture or
sale of oil as
aforesaid;
penalty.

451. Whoever manufactures for illuminating purposes, or sells in quantities not less than a barrel, oils or fluids made from petroleum or its products, which does not sustain the fire test as provided in Section 449, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not more than one thousand dollars, or imprisoned in the jail or penitentiary not more than two years, in the discretion of the court. Whoever sells in quantities less than a barrel, for illuminating purposes, oils or fluids made from petroleum or its products, which does not sustain the fire test provided for in Section 449, shall forfeit said oil, and be fined not less than five dollars nor more than twenty dollars; said fine to be collected as other fines are now collected, one-half to go to the informer, the other to be paid into the treasury of the State.

1874, ch. 504. P. L. L., (1888) Art. 4, Sec. 332.

Recovery from
seller.

452. Any purchaser of oils or fluids made of petroleum or its products, for illuminating purposes, bearing the stamp required in Section 450, and which does not stand the fire test required in Section 449, may recover from the seller in an action for debt an amount equal to double the purchase money of said oil.

1874, ch. 504. P. L. L., (1888) Art. 4, Sec. 333.

Seller's lia-
bility for
accident by
explosion;
penalty.

453. Any accident by reason of explosion, occurring with any oil or fluid manufactured from petroleum or its products, shall subject the seller thereof to prosecution for a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, to a fine not exceeding one thousand dollars, nor less than five hundred dollars; one half of said fine to be paid to the informer and the other half to the State.

1874, ch. 504. P. L. L., (1888) Art. 4, Sec. 334.

454. In case of seizure or confiscation of oils or fluids manufactured from petroleum or its products, as provided in Section 451, the party who has sold such oils or fluids shall have the privilege of referring the same to some commissioned inspector recognized by the oil trade of Baltimore, whose decisions shall be *prima facie* evidence of the quality of said oil or fluid.

seizure and
confiscation;
decisions.

1874, ch. 504. P. L. L., (1888) Art. 4, Sec. 335.

455. If any inspector of oils shall be convicted in a court of competent jurisdiction of furnishing a false report of the fire-test of any oil submitted to his inspection, he shall be liable to a fine of not less than five hundred dollars nor more than two thousand dollars, at the discretion of the court; said fine to be paid into the treasury of the State.

False report of
fire test by
inspector.

1874, ch. 504. P. L. L., (1888) Art. 4, Sec. 336.

456. The provisions of the seven preceding sections shall not apply to oils or fluids manufactured from petroleum or its products for the purpose of exportation or for use in street lamps.

Not to apply to
street lamps.

FISH.

1886, ch. 450. P. L. L., (1888) Art. 4, Sec. 337.

457. No person shall expose for sale, or have in his possession, offering for sale, any striped bass or rock weighing less than one-half pound each, or any white perch weighing less than one-quarter of a pound each; any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction by a court of competent jurisdiction shall be fined not more than twenty dollars or be confined in jail not more than thirty days, or both, in the judgment of the court.

Prohibiting
sale of bass,
or perch
under
weight;
penalty.

GAS COMPANIES.

1886, ch. 384. P. L. L., (1888) Art. 4, Sec. 338.

Where not to
be formed.

458. No gas companies shall be formed in Baltimore City, Baltimore County or in Anne Arundel County, except in the City of Annapolis.*

1886, ch. 384. P. L. L., (1888) Art. 4, Sec. 339.

Certain com-
panies re-
stricted in
laying
mains.

459. No gas companies chartered in any other counties of the State shall have the right to lay mains or sell gas in Baltimore City, Baltimore County or Anne Arundel County.

1886, ch. 395. P. L. L., (1888) Art. 4, Sec. 340.

Certain char-
ters an-
nulled.

460. All charters for gas companies which have been granted or issued under the Code of Public General Laws, or any other law, in Baltimore City, Baltimore County, or Anne Arundel County, are repealed, annulled and made void, except in cases where the companies incorporated by any of such charters have erected works and commenced the manufacture of gas.

1888, ch. 322. P. L. L., (1888) Art. 4, Sec. 341. 1900, ch. 180.

Price of gas.

461. No corporation or person shall charge for illuminating gas in Baltimore City a sum to exceed one dollar and ten cents per thousand cubic feet.

1888, ch. 322. P. L. L., (1888) Art. 4, Sec. 342.

Illuminating
power.

462. The illuminating gas furnished by any such corporation or person shall have an illuminating power not less than twenty sperm candles of six to the pound, and burning at the rate of one hundred and twenty grains of spermaceti per hour, tested at a distance of not less than one mile from the place of manufacture by a burner consuming five cubic feet of gas per hour, and shall as regards purity, comply with the standard now or hereafter established by law.

To comply
with future
require-
ments.

*NOTE.—As to construction of sections 458–460 of this Article, *see*, Consolidated Gas Co. v. Baltimore Co., 99 Md. 403.

HARBOR, DOCKS AND WHARVES.

Harbor.

P. L. L., (1860) Art. 4, Sec. 267. 1884, ch. 309.

P. L. L., (1888) Art. 4, Sec. 351.

463. No wharf shall be run out, made, altered, enlarged ^{Limit of wharves.} or extended so as to divert the course of the channel, obstruct the harbor or basin, or to the injury of the same; and no person shall make, alter or extend any wharf without laying before the Harbor Board a plan of said wharf ^{Plans of extensions.} and obtaining the consent of the said Harbor Board.**

Page *v.* Mayor, 34 Md. 558. Hazlehurst *v.* Mayor, 37 Md. 199. Williams *v.* Baker, 41 Md. 523. B. & O. R. R. Co. *v.* Chase, 43 Md. 24. Horner *v.* Pleasants, 66 Md. 477. *Classen *v.* Chesapeake Co., 81 Md. 258.

P. L. L., (1860) Art. 4, Sec. 268. P. L. L., (1888) Art. 4, Sec. 352.

464. If any person shall violate the provisions of the ^{Penalty.} preceding section, the Mayor and City Council of Baltimore may recover, by a warrant before a Justice of the Peace, a sum not exceeding two hundred and fifty dollars, and may forthwith cause the said wharf to be demolished.

P. L. L., (1860) Art. 4, Sec. 269. P. L. L., (1888) Art. 4, Sec. 353.

465. The Harbor Master of the port of Baltimore may demand from the captain or commander of every foreign vessel coming into said port for the purpose of trade and commerce, the sum of five dollars, as an additional compensation for his care and diligence in the regulation of the harbor and providing a proper station for said vessel. ^{Charges upon foreign vessels.}

P. L. L., (1860) Art. 4, Sec. 270. P. L. L., (1888) Art. 4, Sec. 354.

466. He may, in case of delay or refusal to make such ^{Suit for.} payment, sue for and recover the same before a Justice of the Peace as small debts are recovered.

**See, Res. 185, April 22, 1876.

Docks.

P. L. L. (1860) Art. 4, Sec. 193. P. L. L., (1888) Art. 4, Sec. 358.

City's title to
made land.

467. The Mayor and City Council are vested with the right and title to any land made or to be made by them out of the water in making and completing the improvements of the City dock, according to the plan heretofore adopted by them; *provided*, that nothing contained in this section shall be construed to interfere with the vested rights of individuals.

P. L. L., (1860) Art. 4, Sec. 194. 1880, ch. 418.

P. L. L., (1888) Art. 4, Sec. 359.

Obstructing
vessels at
docks.

Removal.

Penalty for in-
terfering
with vessels
removing.

468. If any vessel shall be lying in Smith's dock, Frederick street dock or any other dock in said City, or the entrance thereto, so as to obstruct any vessel which shall be coming into the same, or moving from one place to another therein, or going out of the same, the vessel so obstructing shall be removed to such place as shall be directed by the Harbor Master of the district, or any police officer of Baltimore City, to give room to the passing vessel, under the penalty of five dollars for refusal so to remove, and at the rate of five dollars an hour for the delay which shall be occasioned to the passing vessel, unless in cases where some unavoidable casualty may make it impracticable to remove said obstructing vessel; and if a vessel, when moving to make room for another, be obstructed by any vessel, the master or owner of such obstructing vessel shall forfeit five dollars for such obstruction, and at the rate of five dollars per hour during the continuance of such obstruction, to be recovered by the master or owner of the passing vessel aforesaid; *provided*, the said Harbor Master or police officer shall have directed said removal; but nothing herein contained shall give to the Harbor Master or police officer any control, except in cases of dispute, when called in.

P. L. L., (1860) Art. 4, Secs. 196 & 197. 1880, ch. 418.

P. L. L., (1888) Art. 4, Sec. 360.

469. No vessel shall enter Smith's dock or any other private dock without first ascertaining whether there is a vacant place at the wharf where she can lie, under a penalty of five dollars, to be paid to the Harbor Master for the use of the City ; and all vessels which shall be found obstructing the passage of said docks shall remove, when requested by the Harbor Master of the district or any police officer of Baltimore City, in such manner as will afford a free and unobstructed passage to any passing vessel, under a penalty of five dollars for refusal to remove, and five dollars per hour for each hour they shall obstruct such passage, after due notice shall have been given to master, owner or person in charge of such obstructing vessel, by such Harbor Master or police officer.

Entering
docks when
no place
vacant; pen-
alty.

Docks not to
be obstruct-
ed; penalty.

P. L. L., (1860) Art. 4, Sec. 195. 1880, ch. 418.

P. L. L., (1888) Art. 4, Sec. 361. 1894, ch. 21.

470. If any vessel be lying at any private wharf and not engaged in loading or unloading, such vessel shall be removed when requested by the owner of such wharf or his agent ; and if the person in charge of such vessel refuses or fails to remove such vessel, said owner or his agent may call upon the Harbor Master or police officer, to notify the person in charge of the vessel to remove, and if the notice is not complied with within five hours such person shall be liable to a penalty of fifty dollars, and a further penalty of five dollars for each hour such vessel shall remain after the expiration of the five hours ; and the Harbor Master shall collect for the use of the Mayor and City Council of Baltimore the sum of five dollars, to be paid by the owner or person in charge of such vessel, to be recovered as other small debts are recovered ; the term vessel in this and the two preceding sections shall include boats, scows and arks.

Penalties for
obstructing
docks when
not loading
or unloading.

P. L. L., (1860) Art. 4, Sec. 198. P. L. L., (1888) Art. 4, Sec. 362.

Manner of re-
covering
penalties.

471. The penalties imposed by the three preceding sections may be recovered as small debts before any Justice of the Peace for the City of Baltimore, from the master, owner or person in charge of the obstructing vessel, for the use of the master, owner or person in charge of the vessel obstructed ; but such penalty shall not be recoverable where the obstruction proceeds from any unavoidable cause.

Wharfinger and Wharves.

P. G. L., (1860) Art. 97, Sec. 17. P. L. L., (1888) Art. 4, Sec. 363.

Landing wood.

472. No person shall land any wood or lumber on Pratt street wharf, between Light street and Franklin lane; and the Mayor shall enforce the provisions of this section.

P. G. L., (1860) Art. 97, Sec. 18. P. L. L. (1888) Art. 4, Sec. 364.

Penalty.

473. If any person shall violate the provisions of the preceding section he shall be subject to a fine of twenty dollars, one-half to the informer and the other half to the State.

P. G. L., (1860) Art. 97, Sec. 19. P. L. L. (1888) Art. 4, Sec. 365.

Suits for penalties.

474. The said fine may be sued for and recovered in the name of the State before any Justice of the Peace for said City, in the same manner as small debts.

P. G. L., (1860) Art. 97, Sec. 20. P. L. L., (1888) Art. 4, Sec. 366.

Fines to be
paid to Treas-
urer.

475. It shall be the duty of every Justice of the Peace for said City to make an annual return to the State Treasurer, of all fines imposed under the provisions of the foregoing section, and to receive and pay over the same at the time of making said return.

P. L. L., (1888) Art. 4, Sec. 361.* 1892, ch. 484.

476. The Mayor and City Council may regulate by ordinance the time during which any goods, wares, merchandise or other articles may remain on any wharf belonging to the City, or on any of the public wharves other than wharves belonging to or rented by the State, and that part of Pratt Street wharf reserved for the use of the State, within the said City, or the time which the vessels, boats or scows taking in or discharging such goods, wares or merchandise shall remain at said wharves, and may regulate, establish and collect for the use of the City such wharfage as they may think reasonable, upon any goods, wares, merchandise or other articles handled at or upon and shipped from any of such wharves.

City to regulate time during which goods may remain on, or vessels may remain at, public wharves.

P. L. L., (1860) Art. 4, Sec. 951. P. L. L., (1888) Art. 4, Sec. 369.

477. Any person who shall charge, exact or receive more than six and a quarter cents upon each cord of wood landed upon any wharf in the said City shall, upon complaint and conviction thereof, before any Justice of the Peace for said City, be fined not less than five nor more than ten dollars in each case; one-half to the informer and the other half to the State; to be recovered as fines imposed by the courts of this State.

Cord-wood; wharf charges on.

Penalty.

P. L. L., (1860) Art. 4, Sec. 952. P. L. L., (1888) Art. 4, Sec. 370.

478. Any person carrying wood to Baltimore for sale may land the same upon the State wharves whenever permitted to do so by any Tobacco Inspector in the warehouse to which the wharf is attached; but such permission shall not interfere with that portion of the public wharves set apart for the use of boats laden with tobacco.

Wood on State wharves.

P. L. L., (1860) Art. 4, Sec. 953. P. L. L., (1888) Art. 4, Sec. 371.

479. The person landing wood upon the public wharves under the preceding section shall pay the Tobacco Inspec-

Wharfage on.

*NOTE.—Erroneously numbered in Act 1892, ch. 484.

tor the sum of six and a quarter cents a cord, to be by the said inspector paid into the State treasury, and the inspector shall be allowed twenty per cent. upon the money so received and paid into the State treasury.

Harbor Board.

P. L. L., (1888) Art. 4, Sec. 372. 1894, ch. 423.

Control of ice
boat.

480. The Harbor Board shall have full control and management of the iceboat Annapolis, belonging jointly to the State of Maryland and the City of Baltimore, subject to the orders of the Governor of the State, for the use of said boat for the public service.*

P. L. L., (1888) Art. 4, Sec. 373. 1894, ch. 423.

Officers and
crew.

481. The said Board is hereby authorized to appoint, in conformity with the provisions of section 88 of this Article, at such reasonable rates of pay as it may determine, and at its pleasure to discharge, such officers and crew as may in its judgment be deemed necessary for the proper operation and maintenance of said boat at all times.

P. L. L., (1888) Art. 4, Sec. 374. 1894, ch. 423.

How to be used.

482. The said Board shall employ the said boat, primarily, for the purpose of preventing obstruction by ice to the navigation of Baltimore harbor, and the ship channels leading thereto, and for the relief of vessels in distress, bound to or from the port of Baltimore.

P. L. L., (1888) Art. 4, Sec. 375. 1894, ch. 423.

Further ser-
vices of ice
boat.

483. The Board is further authorized to use the said boat (or at its discretion the ice boat Latrobe) in the relief from obstruction by ice of any of the harbors or channels of the Chesapeake bay or its tributaries, when such service can be rendered without detriment to the commerce of the

*NOTE.—See P. L. L., (1888) Art. 4, Secs. 372 to 377, inclusive, relating to ice boat and harbor relief.

port of Baltimore, and for any other service which the said Board may deem advantageous to commerce and the public interest; the Board may charge such reasonable rates for towage, or relief of vessels, as it may deem proper, having in view the public and private interests and facilities of commerce, and the sum received for same shall be applied to the expense of the boat.

P. L. L., (1888) Art. 4, Sec. 376. 1894, ch. 423.

484. The annual expenses of maintaining and operating Expenses. said iceboat shall be paid by the Mayor and City Council of Baltimore.

P. L. L., (1888) Art. 4, Sec. 377. 1894, ch. 423.

485. The said Board shall in its annual report to the Annual report. Mayor and City Council of Baltimore embody statements of the operations of, and the receipts and disbursements for the said iceboat, and shall send copies of the same to the Governor and Comptroller of the Treasury of the State.

HEALTH.

Nuisances.

P. L. L., (1860) Art. 4, Sec. 798. P. L. L., (1888) Art. 4, Sec. 379.

486. Whenever any nuisance dangerous to the health Paving street in state of nuisance. of the City shall exist in any street, lane or alley of the City, and it shall be found necessary, in order to effect the removal of the same, to have such street, lane or alley paved, the said City may order the same to be paved, and may recover the amount expended in paving the same, and the expenses of collection from the owner of the property fronting thereon, in proportion to the amount expended in front of said property, by suit against the owner. Cost, how collected.

P. L. L., (1860) Art. 4, Sec. 799. P. L. L., (1888) Art. 4, Sec. 380.

487. The said owner may in such action defend himself Defenses of owner. against any such claim for expenses of paving and the

collection thereof by proof that no such nuisances existed, or that the paving of the said street, lane or alley was not necessary to the removal or abatement thereof, or that such nuisance was caused by an act or ordinance of said City, or its officers in the execution of their duty.

P. L. L., (1860) Art. 4, Sec. 800. P. L. L., (1888) Art. 4, Sec. 381.

Cost to be a
lien.

488. The expenses of such paving, and the expenses incident to the collection thereof, shall be a lien upon the property chargeable therewith; and when the right of the City to recover the same has been determined, the City may levy such expenses upon said property.

P. L. L., (1860) Art. 4, Sec. 801. P. L. L., (1888) Art. 4, Sec. 382.

Non-resident
owners.

489. If any of the said property shall be owned by persons not resident within the limits of said City, then, after public notice given at least three times a week for three successive weeks in two newspapers of the City, by advertisement, describing the property chargeable, the amount of expense with which it is chargeable and if known, the name of the owner thereof, the City may proceed to levy said expenses upon the interest of such non-resident in said property, without any previous suit to determine their right to the same.

P. L. L., (1860) Art. 4, Sec. 802. P. L. L., (1888) Art. 4, Sec. 383.

Recovery by
non-resi-
dents.

490. Such non-resident may, at any time within three months after said expenses have been levied and collected, institute an action against the City for the recovery of the same; and if it shall appear in such action that public notice was not given as hereinbefore directed, or that no such nuisance existed, or that the paving of said street, lane or alley was not necessary to the removal or abatement thereof, or that the same was caused by an act or ordinance of the City, or by its officers in the execution of their duty, such non-resident shall recover the expenses of paving and collection so levied upon his property.

P. L. L., (1860) Art. 4, Sec. 803. P. L. L., (1888) Art. 4, Sec. 384.

491. Whenever any nuisance dangerous to the health of the City shall be found-upon any vacant lot within the City, the City may remove or abate the same, and shall have the same remedy against the owner of such lot, for the expenses of so doing, as is given in the five preceding sections against the owners of lots fronting on streets paved, to remove a nuisance; and the owner of such vacant lot shall have the same rights and remedies therein given to the owners of lots fronting on streets so paved.

Nuisances on vacant lots, abatement of.

P. L. L., (1860) Art. 4, Sec. 854. P. L. L., (1888) Art. 4, Sec. 385.

492. Whenever the Commissioner of Health shall certify in writing to the Mayor that it is necessary for the Health of the City to alter the grade of any street, lane or alley on low or made ground the Mayor shall proceed to act in the manner specified in this Article relating to streets.

Altering unhealthy grades.

Chemical Laboratories.

P. L. L., (1860) Art. 4, Sec. 149. P. L. L., (1888) Art. 4, Sec. 387.

493. No person shall erect or assist in the erecting any chemical laboratory within the limits of said City without the consent of the City, and the City may provide by ordinance for preventing the erection of any such laboratory, and for removing or preventing the use of any that shall be erected.

Not to be built unless authorized.

Children's Playgrounds.

1906, ch. 201.

§493a. The Mayor and City Council of Baltimore is authorized and empowered to enter into an agreement with the duly constituted officers of the Children's Playground Association (Division Eight United Women of Maryland) for the maintenance of Children's Playgrounds in the city of Baltimore, for such length of time and upon such terms as the Mayor and City Council of Baltimore may deem advantageous.

City may make contracts for establishing same.

Hospitals for Infectious Diseases.

1902, ch. 35.

Regulating the location of a hospital for infectious or contagious diseases.

§493b. No hospital for the treatment of infectious or contagious diseases shall be erected or maintained in the city of Baltimore, nor shall any money be appropriated or used by the Mayor and City Council of Baltimore for the erection and maintenance of any such hospital until the site upon which said hospital is to be located shall first be approved and authorized by an ordinance of the Mayor and City Council of said municipality, which said ordinance shall be approved by a vote in each branch of said City Council of not less than two-thirds of all the members elected thereto.

1902, ch. 36.

Character of disease to be specified.

§493c. The ordinance providing for the selection of any site shall specify fully and clearly the character of the diseases to be treated in the hospital to be erected thereon, and when said hospital is erected, no other diseases except those specified shall be treated therein unless authorized by an additional ordinance approved in the manner as set forth in Section 1 of this Act.*

1902, ch. 348.

No temporary buildings or hospitals for infectious diseases to be erected unless authorized by ordinance.

§493d. Whenever in the interest of the public health, the erection or maintenance of temporary buildings, hospitals or places of detention for the treatment of infectious or contagious diseases shall become necessary, such buildings, hospitals or places of detention for temporary purposes shall be authorized by an ordinance of the Mayor and City Council of Baltimore, and such ordinance shall name the diseases to be treated and describe the location of said building or buildings, hospital or hospitals, or such places of detention ; provided that nothing in this Act shall be construed to prevent the detention by the health officers of said City of Baltimore of any person or persons that may be suspected of being infected with or having an infectious or contagious disease.

Proviso.

*Sections §493b and §493c, are sections 1 and 2 of Act 1902, ch. 36.

1898, ch. 362.

§493e. The Mayor and City Council of Baltimore be and they are authorized and empowered hereafter to appropriate, annually, and to give for the use and benefit of the Hospital for Consumptives of Maryland of Baltimore City, any sum or sums of money which they may deem proper; provided the sum shall not exceed four thousand dollars per annum for any one year.

Appropriation made.

Infants in Improper Homes or Care.

1906, ch. 334.

§493f. No midwife, institution, corporation or home not duly incorporated for such purpose shall receive infants or young children for the purpose of caring for them with a view to compensation without first securing a license from the Board of Health.

Licenses to be obtained by those caring for infants and children in homes.

1906, ch. 334, Sec. 2.

§493g. Before the granting of such a license the Board of Health shall require each application to be endorsed by four reputable citizens and as far as possible thereafter a record shall be kept by the Commissioners of Health containing the full name and address of each infant or child received, the date of its birth, the date of its reception, and in case in a change in address, the date and place of its removal.

Provisions relating to applications; records to be kept.

1906, ch. 334, Sec. 3.

§493h. Before issuing said license the home or institution of each applicant shall be visited by an agent or inspector of the Board of Health, and a full investigation made as to the sanitary conditions, accommodations, the ability and fitness of the applicant to take charge of such infant or child, and such other information bearing on the subject as may be of value, and that the agents report and recommendation may be a basis upon which the Board of Health may base its action for granting or rejecting the application for such license.

Board of Health to inspect homes and examine applicants.

1906, ch. 334 Sec. 4.

Penalty for violation of provisions of Act.

§493i. Any midwife or institution, corporation or person which shall receive or board an infant or small child under three years of age with a view to compensation without first securing such license, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined \$25.00 and costs for each and every offence, one-half of the said fine to be paid to the informer, and upon failure to pay the fine imposed and the cost of the proceedings, the person or persons so convicted shall be committed by the Court or Justice who imposed such fine, to the City Jail for a period not less than ten days, nor more than thirty days.

1906, ch. 334, Sec. 5.

Act not to apply to persons recommended by Supervisors of City Charities.

§493j. The provisions of this Act* shall in no way be regarded as applying to such persons or homes as may be recommended by the Supervisors of City Charities of Baltimore City.

Sections repealed.

494—504. Sections 494 to 504, inclusive, of the Charter were repealed by Act 1902, ch. 179.

Seats for Female Employes in Stores or Factories.

1882, ch. 35. P. L. L., (1888) Art. 4, Sec. 398. 1900, ch. 589.

Suitable seats to be provided.

505. Every employer of females in any mercantile or manufacturing establishment in the City of Baltimore must provide and maintain suitable seats for the use of such employes. A person is deemed not to maintain suitable seats for the use of female employes unless he permits the use thereof by such employes to such extent as may be reasonable for the preservation of health and proper rest; and the question of what is thus reasonable is one for determination by the jury or the court acting as a jury in any prosecution hereunder.

Jury to determine question of compliance with this section.

*Act, 1906, ch. 334, codified as sections §493f to §493j, inclusive, of the Charter.

1882, ch. 35. P. L. L., (1888) Art. 4, Sec. 399.

506. Any violation of the preceding section by any employer shall be deemed a misdemeanor, and shall be punishable by a fine of one hundred and fifty dollars, to be collected as other fines are collected. Penalty.

Tenement and Lodging Houses.

1886, ch. 396. P. L. L., (1888) Art. 4, Sec. 400.

507. The Mayor and City Council of Baltimore are authorized and directed to enact ordinances regulating the construction, care, use and management of tenement houses, lodging houses and cellars in the City of Baltimore, for the better protection of the lives and health of the inmates dwelling therein. Construction and use.

State v. Hymen, 98 Md. 596.

1886, ch. 396. P. L. L., (1888) Art. 4, Sec. 401. 1900, ch. 557.

508. A tenement house shall be taken to mean and include every house, building or portion thereof which is rented, leased, or hired out to be occupied as the house or residence of more than three families living independently of another and doing their own cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, water-closets or privies, or some of them. A lodging house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received or lodged for hire for a single night or for less than a week at one time, or any part of which is let for any person to sleep in for any time less than a week, or in which free lodgings are habitually provided for and given to more than five persons who are not permanent occupants thereof. A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining. Definition of term "tenement house."

Of "lodging house."

Of "cellar."

State Board of Commissioners of Practical Plumbing.

1886, ch. 439. P. L. L., (1888) Art. 4, Sec. 402. 1894, ch. 609.

Plumbers to be
registered.

509. It shall not be lawful for any person, firm or corporation engaged in the plumbing business in the City of Baltimore to employ as workmen in said business any persons, except those qualified to work at the plumbing business, as provided in section 511 of this Article; and no person shall be qualified to work at the plumbing business unless he has made application to and received from the State Board of Commissioners of Practical Plumbing the certificate of competence provided for in section 511 of this Article, and is otherwise qualified, as required by this sub-division of this Article. Any person or firm engaged in the plumbing business in the City of Baltimore, and the superintendent, manager, agent or other officer of any corporation, engaged in the plumbing business in the City of Baltimore, who shall employ any person to work at the plumbing business not qualified as required by this sub-division of this Article shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars for every day or part of every day that such employer shall employ such workman.

Singer v. State, 72 Md. 464. *Davidson v. State*, 77 Md. 388. *State v. Knowles*, 90 Md. 657.

1886, ch. 439. P. L. L., (1888) Art. 4, Sec. 403. 1894, ch. 609.

Work by
plumber not
qualified, to
be misde-
meanor.

510. If any person shall work at the plumbing business in the City of Baltimore without being qualified as required by this sub-division of this Article he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty for every day or part of every day that such workman shall work at the plumbing business.

Penalty.

Singer v. State, 72 Md. 464. *Davidson v. State*, 77 Md. 388.

1886, ch. 439. P. L. L., (1888) Art. 4, Sec. 404.

511. The Governor shall appoint biennially five persons, who shall constitute a board of Commissioners, which

shall be known and designated as "The State Board of Commissioners of Practical Plumbing," and who shall be selected as follows: Three persons who are practical and skilled plumbers from the City of Baltimore, the Commissioner of Health of Baltimore City, and a member of the State Board of Health, from the State at large, whose duty it shall be to faithfully and impartially execute, or cause to be executed, all the provisions and requirements of this and the two preceding sections; upon application and in such manner and at such place as they may determine, *provided* said place of examination shall be within the limits of the City of Baltimore; they shall examine each and every person who shall desire to work at the plumbing business, touching his competency and qualifications; and upon being satisfied that the person so examined is competent and qualified to work at said business, they, or any three of them, shall grant such person a certificate of competency, and register him in their books as a practical-plumber, which shall operate as full authority to him to conduct and engage in the said business of plumbing.

Appointment
of Board.Procedure of
Board.

Certificates.

Davidson v. State, 77 Md. 388.

1886, ch. 439. P. L. L., (1888) Art. 4, Sec. 405.

512. The said Board of Commissioners shall demand and receive from each applicant for a certificate of competency whom they examine and pass the sum of three dollars at the time of the issuance of said certificate, and the sum of one dollar for the renewal thereof each and every year thereafter, on or before the first day of May.

Examination
Fee.

Renewal Fee.

Davidson v. State, 77 Md. 388.

1886, ch. 439. P. L. L., (1888) Art. 4, Sec. 406.

513. The money received under the provisions of the foregoing section shall be used and applied by said Commissioners to defray their expenses, and all surplus over and above their necessary expenses shall be returned to the State Treasurer for the use of the State.

Receipts, how
applied.

Davidson v. State, 77 Md. 388.

1886, ch. 439. P. L. L., (1888) Art. 4, Sec. 407. 1894, ch. 609.
1904, ch. 636.

514. Said Commissioners shall hold their several offices for the period of two years, commencing from the first day of May in the year 1886, and thereafter until their successors have been appointed and qualified; each Commissioner, within thirty days after notification of his appointment, shall take and subscribe an oath or affirmation before the Clerk of the Superior Court of Baltimore City to impartially and faithfully discharge his duties as Commissioner; every person appointed Commissioner who shall refuse or neglect to take the oath or affirmation provided for in this section, within the period named, shall be deemed to have refused said office, and the Governor shall immediately appoint some person qualified, as provided in Section 511 of this Article, to fill the vacancy thus created; each of said Commissioners shall receive the sum of five dollars for every day that he shall be present at a meeting of said Board for the transaction of business, provided, however, that in each year he shall not receive compensation for more than thirty days; and provided also, that said compensation shall be paid out of the fees or other sums received by said Board.

Term of office of Commissioners.

Oath.

Compensation.

Compensation Limited.

Davidson *v.* State. 77 Md. 388.

1886, ch. 439. P. L. L., (1888) Art. 4, Sec. 408.

515. The said Board of Commissioners are empowered to make such rules and regulations from time to time as in their judgment they may deem necessary and requisite; and they shall make a report of the condition of the Board to the Governor biennially, on or before the first day of February, with a full statement of their receipts and expenditures.

Rules and Regulations.

To report to Governor biennially.

HORSESHOEING.

1898, ch. 491.

§515a. It shall be unlawful for any person to practise horseshoeing in the City of Baltimore or in the twelfth

district of Baltimore County, unless such person has obtained a certificate and has been duly registered as hereinafter provided.

Horseshoeing
in Baltimore,
etc.

Board of Examiners of Horseshoers.

1898, ch. 491.

§515b. A "Board of Examiners for Horseshoers" is created, which shall consist of five members, one of whom shall be doing business as veterinarian only, two master horseshoers and two journeymen horseshoers, all doing business in Baltimore City, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. The members of said Board shall be appointed by the Governor, and the term for which they shall hold office shall be for four years, except that the members of said Board to be first appointed under this Act shall be designated by the Governor to serve one for two years, two for three years, and two for four years, and unless removed by the Governor, until their successors are duly appointed. Any vacancy in said Board, for any cause, shall be filled by the Governor.

Board of exam-
iners for
horseshoers
created.

1898, ch. 491.

§515c. Said Board shall meet in the month of May next after the passage of this Act, and organize by the election of a president and secretary, and thereafter shall hold regular meetings in the months of May and November in every year, and such special meetings for the examinations of persons desiring to practice horseshoeing, as occasion may require; that they shall pass such by-laws and prescribe such rules and regulations as may be necessary to carry into effect the provisions of this Act; and said Board shall at its first meeting, prescribe and clearly define the qualifications and tests necessary to obtain a certificate as master or journeyman horseshoer. Printed copies of such requirements shall be furnished to all persons desiring to pass an examination for said certificate, and any person who shall, on examination be found by a majority

To meet and
organize.

By-laws and
rules.

Qualifications and requirements of applicants to be defined.

of said Board to possess the said requirements so prescribed, shall be granted a certificate to that effect on the payment to said Board of a fee of two dollars; and all proceedings of said Board shall be open to public inspection.

1898, ch. 491.

Persons excepted and entitled to certificate without examination.

§515d. Any person who has practiced as a master or journeyman horseshoer in the City of Baltimore or the twelfth district of Baltimore County, for three years prior to the passage of this Act, who will file an affidavit to that effect with said Board, shall be entitled to a certificate without examination, on the payment of a fee of twenty-five cents to said Board; or anyone who has a certificate from any duly constituted examining board of the State of Maryland, or of any other State, that he is a competent master or journeyman horseshoer, on filing and registering said certificate or a copy thereof with said Board, shall be entitled to a certificate from said Board without an examination, on payment of a fee of two dollars, but, that after the passage of this Act, no person who has not served an apprenticeship at horseshoeing for a period of three years shall be entitled to an examination for said certificate.

1898, ch. 491.

Certificate to be registered, signed and bear seal.

§515e. All certificates issued by said Board shall be signed by its officers and bear its seal, and the secretary of said Board shall keep a book in which all certificates so issued and the names of the persons to whom the same shall have been issued shall be duly registered, and a transcript from said book of registration, certified by the secretary, with the seal of the Board, shall be evidence in any court in the State, and said secretary shall furnish to any one a copy of his certificate on payment of the sum of one dollar.

1898, ch. 491.

§515f. Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor, and

upon the conviction thereof in any court having criminal jurisdiction, shall be fined not more than twenty-five dollars or be confined in the Baltimore City jail or Baltimore County jail, not more than one month, in the discretion of the court. All fines received under this Act shall be paid into the common school fund of the City of Baltimore, or of Baltimore County, if the offence shall have been committed in said county. The provisions of this Act shall not interfere with the right of the owners of horses to have them shod at their own shops.

Violation of provisions a misdemeanor.

Fines, how applied.

HOURS OF LABOR.

P. L. L., (1888) Art. 4, Sec. 31 A. 1898, ch. 458.

516. No mechanic or laborer employed by the Mayor and City Council of Baltimore, or by any officer, agent, contractor or sub-contractor under them, shall be required to work more than eight hours per day as a day's labor; provided further, that this section shall not apply to the employes of the Fire Department, Bay View Asylum, or the Baltimore City Jail. Any such officer, agent, contractor or sub-contractor who shall require any mechanic or laborer to work more than eight hours per day, contrary to the provisions of this section, shall be fined not less than ten dollars nor more than fifty dollars for each and every offence, one half of such fine to go to the informer, said fines to be collected as other fines are collected by law.

Eight hours a day's labor for City employes.

HOUSES OF REFUGE AND REFORMATION.

1878, ch. 267. 1880, ch. 111. 1880, ch. 323. 1890, ch. 61. 1890, ch. 392. P. L. L., (1888) Art. 4, Sec. 410. 1902, ch. 391. 1906, ch. 469.

517. The Mayor and City Council of Baltimore may annually appropriate a sufficient sum of money to pay for the support and maintenance of each minor committed from the City of Baltimore by legal process, not exceeding eighty dollars per annum for each minor so committed, to the following reformatories: House of Refuge, St. Mary's Industrial School, Colored House of Reformation, House of

Sum of money appropriated for support of minors committed from Baltimore City to institutions named.

Annual appro-
priations to
certain insti-
tutions.

Additional ap-
propriations.

Good Shepherd for Colored Girls, Industrial Home for Colored Girls, and to any other reformatories to which such minors may be so committed, and may appropriate, in conformity with the requirements of Sections 105 and 107 of this Article, annually, a sum of money, not exceeding five thousand dollars, to the Boy's Home Society of Baltimore City, and annually a sum of money not exceeding ten thousand dollars to the Female House of Refuge, and to St. Vincent of Paul's Orphan Asylum of Baltimore, any sum now due said Institution for the care of destitute or other minors committed by the Courts or other police Magistrates to its care, or who may hereafter be committed, not exceeding the sum of two thousand dollars per year. And the said Mayor and City Council of Baltimore, are further authorized and empowered to appropriate for repairs permanent improvements, and additions to the buildings and grounds now used, or hereafter to be used by the House of Refuge and its successors, such additional sum or sums of money as in their judgment shall from time to time be required for those purposes. **

See note, City Code, (1879), page 469.

1878, ch. 442. P. L. L., (1888) Art. 4, Sec. 411.

House of Good
Shepherd.
Judge to in-
spect.

518. The Judge of the Criminal Court of Baltimore, the President of the Board of Police Commissioners, and the Marshal of the Police of the City of Baltimore, shall, at such times as they may think proper, visit and inspect the House of Good Shepherd.

**NOTE.—The Female House of Refuge, stands in *loco parentis* to the inmates thereof. As to rights of such inmates, see,

Cole v. Female House of Refuge, Daily Record, December 20, 1895.

Funds of Charitable Institutions: Are not liable to the payment of damages, being regarded as trust funds, and as such not liable in an action for damages.

Turner v. Baltimore Humane and Impartial Society, Daily Record, December 17, 1901.

The Act. 1906, ch. 146, appropriated \$50,000 for the improvement of a tract of land near Loch Raven, Baltimore County, by the erection of additional buildings for the House of Correction and the equipment of same. The Act. 1906, ch. 522, appropriated a similar sum for a like purpose to St. Mary's Industrial School.

IMMIGRANTS.

1832, ch. 203. 1833, ch. 177. 1834, ch. 34. 1841, ch. 174. 1839, ch. 46.
P. L. L., (1860) Art. 4, Sec. 250. P. L. L., (1888) Art. 4, Sec. 412.

519. The master or commander of any vessel arriving from a foreign country or from any other of the United States, who shall enter said vessel at the custom house in the City of Baltimore, shall within twenty-four hours after such entry, make a report in writing on oath to the Mayor of said City, of the name, age and occupation of every alien who shall have been brought or carried as passenger in such vessel on that voyage, upon pain of forfeiture, for every neglect or omission to make such report, of the sum of twenty dollars for every such passenger neglected or omitted to be so reported.**

Master to report data concerning aliens.

P. L. L., (1860) Art. 4, Sec. 251. P. L. L., (1888) Art. 4, Sec. 413.

520. The Mayor, or other person discharging the duties of his office, shall require the owner or consignee of every vessel arriving from a foreign country, or from any other of the United States, which shall be entered in said custom-house, upon pain of forfeiture to the Mayor and City Council of Baltimore, of twenty dollars for every neglect or omission, to give a several bond to the State of Maryland in the penalty of three hundred dollars, for each passenger included in the report of the master or commander of such vessel directed to be made by the preceding section, and conditioned to indemnify and save harmless each and every city, town and county in this state, from any cost which such city, town or county shall incur, for the relief or support of the person named in the bond, within five years from the date of the bond, and also to indemnify and refund any charge or expense such city, town or county may necessarily incur for the support or medical care of the person named therein, if received into the almshouse or hospital or any other institution under their care.

Bond for support of aliens who may become public charges.

**See note, Baltimore City Code (1879), page 471.

P. L. L., (1860) Art. 4, Sec. 252. P. L. L., (1888) Art. 4, Sec. 414.

Sureties.

521. Every such bond shall be signed by two or more sufficient securities, residents of the State of Maryland, each of whom shall prove, by oath or otherwise, that he is owner of a freehold in said State of the value of three hundred dollars over and above all claims or liens thereon or against him, including any contingent claim which may accrue from or upon any former bond given under the provisions of this sub-division of this Article.

P. L. L., (1860) Art. 4, Sec. 253. P. L. L., (1888) Art. 4, Sec. 415.

Other Security.

522. If the principal in said bond choose, instead of the security required in the preceding sections, he may secure said bond by mortgage of real estate, or by the pledge and transfer of public stock of the United States, or of the State of Maryland, or of the City of Baltimore, or by deposit of the amount of the penalty in some bank, subject to the order of the Mayor of the City.

P. L. L., (1860) Art. 4, Sec. 254. P. L. L., (1888) Art. 4, Sec. 416.

Mayor to approve.

523. Any security, whether real or personal, offered by such owner or consignee, shall first be approved by the Mayor of the City.

P. L. L., (1860) Art. 4, Sec. 255. P. L. L., (1888) Art. 4, Sec. 417.

Per capita tax on aliens landed in lieu of bond.

524. The owner or consignee of any vessel may at any time within three days after the landing of such passengers, commute for the bond hereinbefore required, by paying to the City Register the sum of one dollar and fifty cents for each and every passenger reported as hereinbefore required by this sub-division of this Article, and the receipt of such sum by the City Register shall be deemed a full and sufficient discharge from the requirement of giving such bond.

P. L. L., (1860) Art. 4, Sec. 256. P. L. L., (1888) Art. 4, Sec. 418.

525. If any alien passenger in such vessel shall be suffered to land therefrom at any place within the distance

of fifty miles from said City, with the intent to proceed thereto otherwise than in said vessel, the master or commander thereof shall forfeit and pay for every such person the sum of one hundred dollars, unless within forty-eight hours after the entry of the vessel, the owner or consignee shall give bonds or pay the commutation money aforesaid.

Landing of
aliens.

P. L. L., (1860) Art. 4, Sec. 257. P. L. L., (1888) Art. 4, Sec. 419.

526. All or any of the said penalties and forfeitures, as well as the said commutation money, may be sued for in the name of the Mayor and City Council of Baltimore, before any Justice of the Peace, in the same manner and subject to the same rules and process, and the right of appeal as provided in cases of small debts.

Penalties, how
sued for.

P. L. L., (1860) Art. 4, Sec. 258. P. L. L., (1888) Art. 4, Sec. 420.

527. The Mayor may compound for or remit the said penalties and forfeitures, and payments and recoveries, or any of them, either before or after suing for the same, upon such terms as the circumstances of the case may in his judgment require.

Mayor may re-
mit same.

P. L. L., (1860) Art. 4, Sec. 259. P. L. L., (1888) Art. 4, Sec. 421.

528. The Mayor and Register shall pay over to the Supervisors of City Charities, semi-annually, three-fifths of all sums of money arising from commutation by owners or consignees of vessels as aforesaid, which shall be appropriated by said trustees to the use of the City of Baltimore, for the purpose of supporting the foreign paupers of the said City, and the remaining two-fifths shall be paid to the Hibernian Society of Baltimore, and the German Society of Maryland, in the proportions mentioned in the next succeeding section.

Disbursement
of commuta-
tion money.

P. L. L., (1860) Art. 4, Sec. 260. P. L. L., (1888) Art. 4, Sec. 422.

529. All money received by the Mayor or Register for penalties and forfeitures imposed by this sub-division of

Penalties, how
used.

this Article shall be distributed and paid by the Mayor and City Council as follows : two-fifths thereof to the German Society of Maryland, and the Hibernian Society of Baltimore to be divided between them as follows : to the German Society in proportion to the amount received from and on account of German and Swiss passengers, and to the Hibernian Society in proportion to the amount received from and on account of Irish passengers ; and the remaining three-fifths to the Supervisors of City Charities.

P. L. L., (1860) Art. 4, Sec. 261. P. L. L., (1888) Art. 4, Sec. 423.

City Register's
per centum.

530. The City Register shall be entitled to two per centum upon the amount of money collected under this sub-division of this Article.

P. L. L., (1860) Art. 4, Sec. 262. P. L. L., (1888) Art. 4, Sec. 424.

Not to apply to
representa-
tives of
foreign gov-
ernments.

531. Nothing contained in the twelve next preceding sections shall be deemed to extend to any ambassadors, ministers, consuls or agents of foreign governments arriving as passengers in the port of Baltimore.

INSPECTIONS, WEIGHTS AND MEASURES.

Barrels.

1890, ch. 332, Sec. 1. P. G. L., (1904) Art. 97, Sec. 27. 1906, ch. 331.

Green peas or
beans; stan-
dard barrel.

532. The standard barrel for the measurement of all green peas or beans in the hull, which are sold by the bushel, shall be of the following dimensions, namely : diameter of said barrel at the top shall be eighteen and three-fourths inches inside the staves, the diameter at the bottom inside the staves shall be sixteen and one-fourth inches, and the depth of said barrel shall be twenty-six inches inside, and to contain in all six thousand two hundred and fifty-three and three-fourths cubic inches, measurement by said barrel to be struck measure.

1890, ch. 332, Sec. 2. 1892, ch. 486. P. G. L., (1904) Art. 97, Sec. 27.
1906, ch. 331.

533. The dimensions of any barrel so used shall be stamped by the inspector of weights and dry measures of the City of Baltimore upon the same, in three conspicuous places, and any person using a barrel for the measurement of peas, beans and like farm products when sold by the bushel, without being so stamped, shall be fined not less than one hundred dollars, or more than five hundred dollars; said fine to be collected as other fines are now collected.**

Barrels to be stamped.

Penalty.

1892, ch. 486.

534. It shall be the duty of said Inspector of Weights and Measures and any measurer of the City of Baltimore, from time to time to inspect the barrels used for the measurement of said peas, beans and other farm products, and to see that the provisions of this sub-division of this Article are complied with; and upon the conviction of any person or corporation under the provisions of this sub-division of this Article, one-half of the fine imposed shall be paid to said Inspector of Weights and Measures of the City of Baltimore.

Inspection by Inspector of Weights and Measures.

Penalty.

Coal.

1880, ch. 382. P. L. L., (1888) Art. 4, Sec. 428.

535. Every person dealing in or selling mineral coal within the City of Baltimore shall have scales of suitable capacity attached to the premises occupied by him; any neglect upon the part of the dealer, seller or owner of coal yards or wharves that are used for the sale of coal, to have the said scales placed within the aforesaid yards or wharves, shall be subject to a penalty of ten dollars for each and every offence, to be recovered by indictment and paid to the Comptroller of Baltimore City.

Scales to be provided by seller of coal.

1880, ch. 382. P. L. L., (1888) Art. 4, Sec. 429.

536. If any owner of a cart or other vehicle used for hauling coal in the City of Baltimore shall neglect to have

**NOTE.—Note provisions of Act, 1906, ch. 331.

such coal weighed upon the scales named in the preceding section, or if any dealer or seller shall sell the aforesaid coal to any cart, wagon or other vehicle, without being so weighed, he shall be subject to a penalty of ten dollars for each and every offence, to be recovered by indictment and to be paid to the Comptroller of the City of Baltimore.

1880, ch. 382. P. L. L., (1888) Art. 4, Sec. 430.

537. It shall be the duty of any policeman of Baltimore City, when called for by the purchasers or any interested person, or when such officer has reason to believe any cart, wagon or other vehicle on the street or road containing coal has not the proper weight, to take such cart, wagon or other vehicle to the nearest State or available private scale and have it weighed ; and the party so weighing shall give a sworn certificate of the weight ; and the seller of said coal shall not make any additional charge for hauling said coal to any scales to be weighed ; and if the driver of said cart or other vehicle, or the owner thereof, shall refuse to drive said cart or other vehicle to said scales to be weighed as aforesaid, such driver or owner so refusing shall be fined the sum of five dollars, to be recovered by indictment and paid to the Comptroller of Baltimore City.

1880, ch. 382. P. L. L., (1888) Art. 4, Sec. 431.
1900, ch. 524.

538. It shall be the duty of every seller of coal to send with each and every load of coal sold by him a card or ticket, which shall indicate on its face in plain characters the seller's name, the date, the weight of coal contained in the cart, wagon or other vehicle in which it is being transported ; and any vendor of coal violating such provisions, or being found selling or delivering any load of coal without such card or ticket, shall be liable to a fine of not less than five dollars, nor more than ten dollars for each and every offence, to be recovered and appropriated as provided in the preceding section ; *provided*, however, that two per centum shall be allowed in the weight of the

coal in the said cart, wagon or other vehicle for variation of scales ; and *provided, further*, that nothing in this Section contained shall apply to sales of coal by manifest weight in car or cargo lots.

1880, ch. 382.

539. A compensation of twenty-five cents per ton shall be paid to the parties weighing the coal under the foregoing section, said sum for weighing to be paid by the seller, if the coal is deficient in weight, otherwise to be paid by the purchaser.

Compensation
for weighing;
by whom
paid.

1900, ch. 650.

539 A. The Board of Police Commissioners shall order the detail of one policeman from each of the eight districts of the City (but one only at a time, and the said policeman so appointed shall not serve continuously), and each district changing alternately with the others for such time as the judgment of the Marshall shall determine. Such policemen shall be charged with the duty of enforcing the Coal Law for the benefit of the public and specially watching the delivery of mineral coal by carts, wagons or other vehicles, and he shall be empowered with authority to weigh any cart, wagon or other vehicle loaded with coal at any time he may elect to do so.

Policeman to
enforce Coal
Law.

1880, ch. 382. P. L. L., (1888) Art. 4, Sec. 433.

540. The provisions of this sub-division of this Article shall not apply to the sale of coal by single bushel, half bushel, or peck.

Exceptions.

Gas Meters.

1876, ch. 356. P. L. L., (1888) Art. 4, Sec. 434.

541. It shall be the duty of every gas company manufacturing, furnishing and selling gas in the City of Baltimore, to place upon the premises of every consumer using

Co. to install
efficient
meters.

gas, a correct apparatus or meter for registering the consumption of the same, and it shall be the duty of the company to see that said apparatus or meter is kept in proper working order and condition.

Blondell v. Consold. Gas Co., 89 Md. 744.

1876, ch. 356. P. L. L., (1888) Art. 4, Sec. 435.

Overcharge
prohibited.

542. It shall not be lawful for said company, under any circumstances, to charge or collect for any greater amount of gas than is registered by said apparatus or meter.

1876, ch. 356. P. L. L., (1888) Art. 4, Sec. 436.

Consumer of
gas may
cause meter
to be tested.

543. Any consumer may, at any time, cause said apparatus or meter to be tested by the Superintendent of Lamps and Lighting or one of his Assistants, who shall make said test in the presence of the consumer and of an agent of the gas company, by which the gas may be supplied, if desired, and shall furnish to the consumer a certificate under oath of the true condition and working of said apparatus or meter ; and if it shall be found, upon any such test, that said apparatus or meter is registering gas in favor of said company, then, in the absence of any fraud upon the part of the consumer, the said company shall refund to the consumer an amount in lawful money equal to the percentage that the said apparatus or meter has been registering too fast, upon the bills of said consumer, registered by said apparatus or meter, for the four months next preceding the said test, unless the said company can prove that such inspection and certificate do not show the correct result ; and in case such refunding does take place, the said company shall also pay the expenses incurred in making said test.

Rules govern-
ing tests of
meters.

Gaugers of Casks and Liquors.

1872, ch. 264, Sec. 1. P. L. L., (1888) Art. 4, Sec. 437.

544. Any citizen of the State of Maryland, on application to the Clerk of the Court of Common Pleas in the City

of Baltimore, and on paying one hundred dollars to the said clerk, shall be entitled to receive a license to act as gauger of casks and liquors, for the term of one year from the date thereof. The person applying for said license shall, at the time of receiving the same, take and subscribe before said clerk, an oath that he will honestly and faithfully discharge the duties of said office.

License to act
as gauger of
casks and
liquors.

1872, ch. 264, Sec. 2. P. L. L., (1888) Art. 4, Sec. 438.

545. No person engaged in vending or trading in or manufacturing casks or liquors individually, or as a partner, or as agent, clerk or employee of a trader, vender or manufacturer of said articles, or either of them, or any commissioned officer, shall be licensed to act as gauger of casks and liquids.

Who cannot
act as gauger.

1872, ch. 264, Sec. 3. P. L. L., (1888) Art. 4, Sec. 439.

546. Any person may sell, export or otherwise dispose of any foreign or domestic liquors in casks, without having the same gauged by a licensed gauger, but in cases of difference between the buyer and seller as to the quantity, either party may call in a gauger, and his judgment shall bind the parties.

Gauging not
required,
when.

1872, ch. 264, Sec. 4. P. L. L., (1888) Art. 4, Sec. 440.

547. The gaugers shall procure and use a correct set of gauging instruments, and as soon as they have ascertained the capacity of any cask they shall distinctly mark with marking irons the capacity on the bilge near the bung, and prefix the letter M., for the State of Maryland, and the first letter of the surname of the gauger who does the gauging; and any cask containing such liquor, to be merchantable, must be round at the bilge and heads, the staves thereof to be seasoned white oak, free from any injurious portion of sap-wood, and not less than half an inch thick at the thinnest part, and not more than three-quarters of an inch at the thickest part, and to be tight

Gauging in-
struments.

Marking
Casks.

Specifications
for casks.

Forfeiture for
fraud.

and secured with a sufficient number of good hoops; if of iron, six ; and if of wood, not less than twelve ; and at least not less than twelve on all double barrels and hogsheads ; and if any cask containing such liquor shall be found deficient in any of these respects by said gauger, he shall direct it to be coopered, or other casks substituted therefor, at the expense of the owner or seller ; and if any such cask shall be fraudulently made, the owner or seller thereof, or his agent, shall forfeit the cask to the use of the State.

1872, ch. 264, Sec. 5. P. L. L., (1888) Art. 4, Sec. 441.

Wine measure
to be em-
ployed.

Penalty for
error.

548. The said gaugers, in order to ascertain the capacity of casks, shall conform to the Baltimore standard of wine measure ; and if any cask or vessel gauged or marked by said gauger shall in its capacity be found lacking or exceeding one or more gallons in any barrel, or two or more gallons in a cask of larger size, the gauger shall forfeit and pay two dollars for each gallon so lacking or exceeding the number of gallons marked by him on the cask.

1872, ch. 264, Sec. 6. P. L. L., (1888) Art. 4, Sec. 442.

Penalty for
false mark-
ing.

549. If any person shall alter any mark, or number marked or set down by any gauger, thereby to deceive and defraud the purchaser of distilled spirits, wine, molasses or other liquid merchandise so gauged and marked, or shall put any false mark or number on said cask, or upon any certificate intended to counterfeit the mark or number of the gauger, he shall forfeit and pay twenty dollars for every offence, one-half to the informer and the other half to the use of the State.

1872, ch. 264, Sec. 7. P. L. L., (1888) Art. 4, Sec. 443.

Gauger's
charges.

550. Every gauger so licensed shall be entitled to demand and receive from the person at whose request he shall gauge any cask, the following fees, to wit : For gauging casks not exceeding forty gallons, ten cents per cask ; for casks of larger size, fifteen cents.

1872, ch. 264, Sec. 8. P. L. L., (1888) Art. 4, Sec. 444.

551. Any person not being properly licensed, who shall act as gauger, or being so licensed shall act as said gauger outside the limits of the said City, shall forfeit and pay to the Sheriff of the City the sum of three hundred dollars; said penalty to be imposed as a fine by the Criminal Court, on presentment and indictment by the Grand Jury and conviction in due course of law, and one-third of the penalty shall be paid by the Sheriff to the informer, and the residue shall be accounted for by the Sheriff to the treasury as other fines; if any person so licensed shall be guilty of a fraud by reason of collusion with any parties, he shall be deemed guilty of misdemeanor, and shall, on presentment and indictment therefor, and conviction thereof, forfeit and pay a fine of not less than five hundred dollars or more than one thousand dollars for every such offence, or be imprisoned, in the discretion of the court, for a time not exceeding three years, or both, and shall also be liable in damages at the suit of the party aggrieved.

Gauging without license or outside city limits; penalty.

Fraud or collusion by gaugers.

Hay and Straw.

P. L. L., (1860) Art. 4, Sec. 410. 1864, ch. 339. 1867, ch. 381.

P. L. L., (1888) Art. 4, Sec. 470.

552. The Governor, by and with the advice and consent of the Senate, shall biennially appoint four inspectors of hay and straw for the City of Baltimore.

Inspectors.

P. L. L., (1860) Art. 4, Sec. 411. P. L. L., (1888) Art. 4, Sec. 471.

553. Each of said inspectors shall give bond to the State of Maryland, in the sum of two thousand dollars, for the true and faithful performance of the duties of his office.

Bond.

P. L. L., (1860) Art. 4, Sec. 412. 1861, ch. 35. 1867, ch. 381.

P. L. L., (1888) Art. 4, Sec. 472. 1896, ch. 375.

554. All hay and straw brought to the City of Baltimore may be weighed at the State hay scales as now established by law, by one of the inspectors, at the rate of one hundred

Weighing of hay and straw.

pounds to the hundred weight, making a reasonable allowance for the moisture thereof, as well as the mud or other substance attached to the wagon, cart or sled containing the same.

P. L. L., (1860) Art. 4, Sec. 415. P. L. L., (1888) Art. 4, Sec. 474.
1896, ch. 375.

Certificate of
Inspection.

555. The inspector shall give a certificate of every load of hay or straw weighed by him, stating the gross and net weight of such straw or hay, and wagon, cart or sled.

P. L. L., (1860) Art. 4, Sec. 413. 1882, ch. 130.
P. L. L., (1888) Art. 4, Sec. 473.

Charges.

556. The said inspector shall be entitled to demand and receive for each and every load of hay and straw inspected by him, of whatever weight, one cent per hundred weight; and for weighing hems, cable, anchors, dye-woods, barks, etc., two cents per hundred pounds; and for inspecting and weighing corn in the ear and corn husks, one cent per hundred pounds.

P. L. L., (1860) Art. 4, Sec. 416. P. L. L., (1888) Art. 4, Sec. 475.
1894, ch. 105. 1896, ch. 375.

Penalty for
fraud or neg-
lect of ven-
dor.

557. If any person bringing hay or straw to said City shall neglect to have the same weighed by the said inspector, or shall be detected in having stones, rubbish, wood or anything else concealed in his load, or shall in any manner change the condition of his cart, wagon, carriage or sled, with fraudulent intention, he shall forfeit and pay for each and every such offence the sum of five dollars; *provided*, however, any person bringing hay or straw to market, who shall sell and deliver the same for consumption west of Gwynn's Falls, shall not be subject to the penalty herein recited as to not having said load of hay or straw weighed by the weighmaster at the western hay scales, provided he shall tender to the weigher of hay and straw, at the western hay scales, on the day of delivery of said hay or straw, such fee as is prescribed by law, said

Exceptions.

fee to be ascertained by the certificate of the person weighing said hay or straw ; and when said certificate of private weigher is presented to the weighmaster of hay and straw at the western hay scales, the said weighmaster shall retain the certificate of the private weigher, and issue to the person presenting the certificate from the private weigher, a certificate from the book of the weighmaster at the western hay scales corresponding with the certificate of the private weigher, for which the weighmaster at the western hay scales shall collect the fee prescribed by law ; any seller of hay or straw failing to comply with the provisions of this section or failing to present the certificate of the private weigher to the weighmaster at the western hay scales, shall be subject to a fine of five dollars for each and every such offence.

Certificate.

1894, ch. 105.

558. Any private weigher, who shall under a false certificate, and any seller of hay or straw who shall present a false certificate to the weigher of hay and straw at the western hay scales, shall be subject to a fine of five dollars and costs for each and every such offence.

Penalty for false certificate.

P. L. L., (1860) Art. 4, Sec. 417. P. L. L., (1888) Art. 4, Sec. 476.

559. If any person, after having his hay or straw weighed, and having obtained the inspector's certificate, specifying the quantity thereof, shall dispose of any part thereof, or in any manner diminish the same in quantity, thereby to defraud or deceive the purchaser thereof, he shall forfeit and pay for every such offence the sum of twenty dollars.

Fraud after weighing

P. L. L., (1860) Art. 4, Sec. 418. P. L. L., (1888) Art. 4, Sec. 477.

560. The said inspectors may re-weigh carts, wagons, carriages or sleds, as often as they may deem expedient ; and if at any time either of them shall be required to do so by a purchaser of hay or straw, and it shall be found that

Reweighing vehicles.

his report of the weight of the cart, wagon, carriage or sled is correct, the person requiring the same shall pay twenty cents to said inspector; in other cases the re-weighing shall be free of charge.

P. L. L., (1860) Art. 4, Sec. 419. P. L. L., (1888) Art. 4, Sec. 478.

To weigh
other articles

561. The said inspector shall, at all times when required, weigh hemsps, cables, anchors, dye-woods, barks, roots, etc.

1864, ch. 384. P. L. L., (1888) Art. 4, Sec. 479.

Additional
charges.

562. In addition to the charge hereinbefore authorized for the use of the State hay scales, the inspector shall be entitled to demand and receive fifteen cents for each and every load of hay or straw which shall remain half an hour on the premises after the weighing thereof, but shall be removed before night, and thirty cents for each and every load which shall be left on the premises until the next morning.

P. L. L., (1860) Art. 4, Sec. 421. P. L. L., (1888) Art. 4, Sec. 480.

Adjusting
scales.

563. The weighing apparatus shall be adjusted at least once in six months by the standard of weights for the City of Baltimore, the expenses of which, together with all the expense for repairs, shall be paid by the inspectors.

1864, ch. 384. P. L. L., (1888) Art. 4, Sec. 481.

Account to
Treasurer.

564. The inspectors shall severally account for, under oath, and pay over to the Treasurer, quarterly, all moneys received by them as inspectors, after retaining for their services three-fourths of all moneys received under sections 556 and 560, and one-fifth of all moneys received under section 562 of this Article.

1867, ch. 241. P. L. L., (1888) Art. 4, Sec. 482.

565. It shall be the duty of the inspector of hay and straw having charge of the eastern hay scales at Canton,

in the City of Baltimore, to weigh all cattle and hogs required by law to be weighed, which may be brought to said scales for that purpose; and the said inspector shall be entitled to demand and receive for the use of the State, for the first time of weighing any livestock, except sheep, required by law to be weighed, two cents for every hundred weight, and one cent per head for every sheep; and for every second and subsequent weighing, for cattle and hogs, two cents for every thousand weight, and sheep, one cent for every thousand weight, and all live-stock not required to be weighed, the sum of six cents for every thousand weight.

To weigh live-stock at Canton.

Charges.

1867, ch. 241. P. L. L., (1888) Art. 4, Sec. 483.

566. He shall keep a full record of all weights as ascertained and determined by him, of what, and for whom the same may be ascertained and determined, and all money received by him for weighing live-stock, and all expenditures and disbursements, in books to be provided for him for that purpose, which books shall belong to the State, and shall at all times be subject to the inspection and order of the Comptroller; and he shall, at the expiration of every six months, or within five days thereafter, upon his oath, taken before a Justice of the Peace for said City, make a full statement of all receipts for weighing all live-stock weighed by him for the six months immediately preceding said statement, and from whom received, and all disbursements by him made to the Comptroller; and if the balance in the hands of said inspector for weighing live-stock for said six months shall exceed the sum of two hundred dollars, he shall pay the excess into the Treasury; but if there be no excess over and above two hundred dollars, after deducting all necessary expenses for receipts for weighing live-stock, the said inspector shall retain the balance as compensation for his services for weighing such live-stock.

Record of weights and moneys to be kept.

Verification by oath.

Compensation and accounting.

1867, ch. 241. P. L. L., (1888) Art. 4, Sec. 484.

Impounding
live-stock.

567. Upon failure and refusal of any agent or owner of live-stock to pay for weighing the same he may impound any number of live-stock he may deem necessary to cause such fees to be paid ; *provided*, no injury be done to said stock by confining them as aforesaid, and that they be delivered to the owner or agent upon payment of all just and proper charges.

1867, ch. 241. P. L. L., (1888) Art. 4, Sec. 485.

Inspector's
neglect.

Penalty.

568. If the inspector shall neglect or delay to weigh or cause to be weighed any live-stock brought to said scales for the purpose of being weighed, for a time not exceeding twenty-four hours after he shall have been requested to weigh the same, he shall forfeit and pay to the owner of such live-stock or his agent the sum of ten cents an hour upon each and every head thereof for so many hours as he shall omit or neglect to weigh the same, over and above the term of twenty-four hours, Sunday excepted, to be recovered in an action of debt before a Justice of the Peace, with costs.

1870, ch. 256. P. L. L., (1888) Art. 4, Sec. 486.

Additional
bond.

569. The said inspector of hay and straw shall execute a bond to the State in addition to the bond now provided by law to be given by said inspector, to be approved by the Comptroller, in the penal sum of one thousand dollars, conditioned for the full performance of all acts and things required by him as weigher of live-stock at said scales, and to pay all damages that may be sustained by reason of wilful omission, refusal or neglect to discharge said duties; which bond shall be filed with the State Comptroller; but said inspector or weigher of hay and straw shall be chargeable with the payment of a tax of ten dollars, and no more, for his commission.

P. L. L., (1860) Art. 4, Sec. 423. P. L. L., (1888) Art. 4, Sec. 487.

570. All fines and forfeitures imposed under sections 557 to 559 may be recovered with costs in the name of the State, before a Justice of the Peace in the manner that small debts are recovered ; one-half to the informer and the other half to the use of the State. Recovery of fines.

Manure.

P. L. L., (1860) Art. 4, Sec. 489. P. L. L., (1888) Art. 4, Sec. 507.

571. A cart load of manure shall contain forty cubic feet. Cart load.

Steam Boilers.

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 509.

572. The Governor shall biennially appoint two suitable persons who are well skilled in the construction and use of steam engines and boilers, and in application of steam thereto, whose duty it shall be to inspect steam boilers in the City of Baltimore, as hereinafter specified and directed ; said inspectors before entering on their duties, shall make oath before a Justice of the Peace, that they will faithfully perform the duties of their office without fear, partiality or favor ; that they are not, and will not during their term of office, be connected with, or interested in the manufacture of steam boilers, engines or machinery applicable thereto, and that they will not during their term of office, accept any money, gift, gratuity or consideration from any person, and shall give bond, to be approved by the State Comptroller, in the sum of five thousand dollars each, for the faithful discharge of their duties. Inspectors.
Oath.
Bond.

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 510.

573. The City of Baltimore is divided into two districts, which shall be known as the first and second steam boiler inspection districts ; the first district shall embrace what is now known as the Eastern, Northeastern and Southern Inspectors' districts.

Police Districts; the second shall embrace what is now known as the Central, Western, Northwestern and Southwestern Police Districts of said City; and the Governor in appointing the inspectors shall assign each to his respective district.

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 511.

574. The inspectors, before entering on the discharge of their duties, shall provide themselves with an office in a central part of said City, also with the necessary apparatus and appliances for the testing of steam boilers; and they shall give notice for three successive days, through the two daily papers having the largest circulation in said City, of the time and manner in which they shall receive the reports of the locations of steam boilers.

Office, apparatus.

Notice.

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 512.

575. Every owner or renter using a steam boiler in said City, shall, within ten days after the publication of the aforesaid notice, report to the inspector of the district the location of such boiler, under a penalty of fifty dollars for each day a boiler is used and neglected to be reported.

Owner to report location of boilers.

Penalty.

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 513.

576. The inspector of each district shall give six days' notice in writing to each owner or renter of a steam boiler, or the engineer or person in charge, of the time when he will inspect such boiler; and such owner or renter shall have such boiler ready for inspection, in compliance with the requirements of said notice, and shall furnish such assistance as the inspector may require, under a penalty of fifty dollars for such failure or neglect, and a further penalty of fifty dollars for each day any such boiler is used without a certificate of inspection.

Notice of inspection.

Penalty.

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 514.

577. It shall be the duty of each inspector, once at least in every year, to inspect all stationary steam boilers of three horse power and upwards, used within the limits of his district, subjecting them to a hydrostatic test of at least twenty-five per cent. in excess of the steam pressure allowed, and satisfy himself, by a thorough external and internal examination, (if possible) with a hammer, that the boilers are free from danger from corrosion or other defects, are well made of good material, the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat are of proper dimensions, and free from obstruction; that the flues and tubes if any are circular in form, the furnaces in proper shape, and the fire line of the furnaces is at least two inches below the minimum water line of the boilers; and shall also satisfy himself that the safety valves are of suitable dimensions, sufficient in number and well arranged, and that the weights are properly adjusted so as to allow no greater pressure in the boiler than the amount prescribed in the certificate of inspection; that there is a sufficient number of gauge-cocks, a steam gauge, a coupling cock in suitable position for attaching the hydrostatic test, that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts of the boilers when they are under the pressure of steam, and that fusible metals are properly inserted so as to fuse by the heat of the furnaces when the water in the boilers shall fall below the prescribed limits, and that adequate and certain provision is made for an ample supply of water at all times; when the inspection is completed and the inspector approves the boiler, he shall make and subscribe a certificate of inspection, stating the condition of the boiler, the number of years or months it has been in use, and the pressure of steam allowed; and no greater pressure than that allowed by the certificate shall be applied to such boiler. In limiting pressure, whenever the boiler under test will, with safety, bear the same, the limit desired by the owner shall be the one certified; and such certificate of inspection shall be framed under glass, and kept in some conspicuous

Annual inspection.

Specifications of test.

Certificate of inspection.

Same to be posted.

place on the premises where said boiler referred to is used ; and if the inspector shall deliver or cause to be delivered to the owner or renter of any boiler a certificate of inspection without having first subjected the said boiler to the tests as herein provided, he shall forfeit his bond, and upon conviction shall be removed from office by the Governor.

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 515.

Quarterly examination.	578. In addition to the annual inspection, it shall be the duty of the inspector to examine all boilers within the limits of their respective districts once at least in every three months and if deemed necessary, apply the hydrostatic test ; and if on such examination the inspector shall find evidence of deterioration in strength, he shall revoke the certificate and issue another, assigning a lower rate of pressure ; and if the defect be of such character as to make the boiler dangerous, the inspector shall notify the owner or renter in writing, stating in the notice what is required, and order the use of the boiler discontinued until the necessary repairs are made ; and if he considers it beyond repair, he shall condemn it ; and if the owner or renter shall refuse or neglect to comply with the requirements of the inspector, and shall, contrary thereto, and while the same remains unreversed, use the boiler, he shall be liable to a penalty of not less than one hundred dollars for each day such boiler is used, and in addition thereto shall be liable for any damage to persons or property which shall occur from any defects, as stated in the notice of the inspector.
Revocation of certificate.	
Penalty.	

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 516.

579. Any owner or renter of a boiler, who shall consider himself aggrieved by the action of the inspector, under the provisions of the preceding section, may, within ten days after such inspection, notify the inspector of the fact, and demand a re-examination of the said boiler ; the owner or renter shall select a practical engineer, who, with the inspector, shall select a third person, skilled in the

manufacture and use of steam boilers, which said two persons, after taking an oath as reviewers, shall, together with the inspector, carefully examine the said boiler, and the decision of any two of these shall be final ; should the decision of the inspector be sustained, the said owner or renter shall pay the expense of such review ; but should it be reversed, the inspector shall restore the certificate, and the expense of the review shall be paid by the State ; such reviewers shall receive five dollars for each day or part of a day they are engaged in making such review.

Re-examina-
by reviewers.

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 517.

580. Any person erecting or using a steam boiler without having the same inspected by the inspector of the district in which the said boiler is located, shall pay a fine of one hundred dollars, and fifty dollars for each day any such boiler is used without being inspected ; and any person who shall alter or change a steam guage or weight on a safety valve for the purpose of carrying a greater pressure of steam on a boiler than that allowed by the certificate of inspection, shall be liable to a fine of five hundred dollars ; and any owner or renter of a steam boiler who shall neglect or refuse to place his certificate of inspection on the premises, as prescribed in Section 577 hereof, shall pay a fine of five dollars for each day's refusal or neglect.

Penalty for use
without in-
spection.

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 518.

581. The inspector shall have power to examine the engineers and assistants in charge of boilers, and if any engineer or assistant is found incompetent or addicted to intemperance, the inspector shall notify the owner or renter, and withdraw the certificate of inspection until such engineer or assistant is displaced.

Examination
of Engineers.

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 519.

582. Before issuing any certificate of inspection, the inspector shall demand and receive from the owner or

Fees for inspection.

renter of the boiler, as a compensation for the inspection, and the examinations to be made during the year as hereinbefore provided, the following sums : For every boiler of ten horse-power or less, five dollars ; when the boiler is above ten horse-power, five dollars for the first ten, and twenty-five cents additional for each horse-power in excess of that number.

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 520.

Inspectors' records and accounts.

583. It shall be the duty of each inspector to keep a correct record of the locations of all boilers in his district, when each boiler was inspected, the condition of the same at the time of inspection, the instructions given to the engineers in charge, the certificates issued, the amount of steam pressure allowed in each certificate, and the boilers condemned or ordered to be repaired ; also a correct account of all money received or paid out ; and they shall report the same annually to the State Comptroller.

1874, ch. 96. P. L. L., (1888) Art. 4, Sec. 521.

Salary.

584. The inspectors shall receive an annual salary of fifteen hundred dollars each ; and all moneys, collected, after deducting the necessary incidental expenses of the office, shall be paid over to the Treasurer of the State.

1872, ch. 153. P. L. L., (1888) Art. 4, Sec. 522.

Foregoing not to conflict with ordinances of M. and C. C.

585. Nothing in this sub-division of this Article shall conflict with the ordinance of the Mayor and City Council of Baltimore which requires their permission for the erection of steam boilers in that City.

1886, ch. 503. P. L. L., (1888) Art. 4, Sec. 523.

Steam boiler insurance companies.

586. Every steam boiler insurance company doing business in this State shall have a resident inspector, whose duty it shall be to make inspections of steam boilers submitted for insurance to such steam boiler insurance company ; and any owner or renter of a steam boiler who

has the same insured in a steam boiler insurance company doing business in this State, in compliance with the laws thereof, and having a resident inspector and an established system of inspection, must immediately after the first annual inspection in each year by such resident inspector of such steam boiler insurance company, present to the State inspector of the district in which the said steam boilers are located, the certificate of inspection of the said company; and the said company shall be charged and chargeable with a fee of one dollar for each and every boiler so inspected and insured, which shall be paid to the State Inspector with such certificate; *provided*, that when there is more than one steam boiler belonging to the same owner or renter so insured, then the fee so chargeable to the insurance company shall be one dollar per boiler for the first five, and one dollar for each additional five or fraction thereof over and above the first five; and upon the acceptance of the provisions of this section by the owner or renter of said steam boiler, the said owner or renter shall be exempted from the requirements of this sub-division of this Article.

1872, ch. 151. P. L. L., (1888) Art. 4, Sec. 524.

587. If either inspector neglects to discharge his duties as prescribed in this sub-division of this Article, he shall forfeit his bond, and shall be removed from office by the Governor.

1872, ch. 151. P. L. L., (1888) Art. 4, Sec. 525.

588. The Governor shall fill all vacancies that may occur as soon as possible.

1872, ch. 151. P. L. L., (1888) Art. 4, Sec. 526.

589. All fines and penalties imposed in this sub-division of this Article shall be recoverable by indictment before the Criminal Court of Baltimore, or before any Justice of the Peace of said City, in the name of the inspector, for the benefit of the State.

Wood Carts.

1878, ch. 183. P. L. L., (1888) Art. 4, Sec. 527. 1894, ch. 313.

Measurer.

Duties.

Certificates.

590. The Governor shall biennially appoint, by and with the consent of the Senate, one competent person, whose duty it shall be to measure and stamp all carts or vehicles engaged in hauling cord wood from wharf and yard within the corporate limits of the City of Baltimore ; and it shall further be the duty of the said measurer to measure and stamp all carts or vehicles engaged in hauling sawed and split wood for the purpose of selling the same within the corporate limits of the City of Baltimore ; the said measurer shall have power to appoint deputies if he shall find it necessary to facilitate the work ; and he or his assistants shall give certificates to the owners of said carts or vehicles, which shall hold good for one year from date ; all such certificates shall terminate on the first day of May, annually, and shall be applied for on said day, or within thirty days thereafter ; and in all cases where said certificate shall not have been renewed within the thirty days aforesaid, a new certificate shall be necessary, to be dated and paid for from the first day of May, as in case of renewal, unless some repairs or alteration be necessary to change the same, for which services he shall receive the sum of one dollar for each cart or vehicle so inspected and marked by him, to be paid by the party at whose request the services were performed ; the said measurer or his deputies shall be in no way interested as clerks, or otherwise engaged in the purchase or sale of fire-wood, other than for their own use.

1894, ch. 313.

Cord Measure.

591. It shall be unlawful for any person, in either purchasing or selling seasoned cord wood in quantities of not less than one-half cord at any one time, to measure and settle for the same, except on the basis of one hundred and twenty-eight cubic feet to each cord of wood ; and the said contents of a cord of wood shall be ascertained by lineal or outside measurement, as follows : It shall be eight feet long, four feet high and four feet wide

1894, ch. 313.

592. Any person violating the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than fifty nor more than one hundred dollars, one-half to go to the informer.

Penalty for short measure.

1876, ch. 46. P. L. L., (1888) Art. 4, Sec. 528.

593. The said measurer and his deputies, before entering upon their duties of office, shall take the following oath or affirmation, as the case may be, before some Justice of the Peace: "I do solemnly swear (or affirm) that I will faithfully, truly and impartially, according to the best of my skill and judgment, execute and perform the office and duty of measurer of carts according to the true intent and meaning of this sub-division of this Article, so help me God."

Oath.

1878, ch. 183. P. L. L., (1888) Art. 4, Sec. 529. 1894, ch. 313.

594. Said measurer shall locate himself in some suitable section of the City, where he can be found, where the greatest quantity of wood is for sale; he shall plainly mark, by a brand on the standards of each side of said carts or vehicles, in such a manner as that the purchaser or consumer of fire-wood may see the quantity contained in each eighth, quarter, half or cord of wood so purchased by him, the standard of measurement to be one hundred and twenty-eight cubic feet to the cord of well stored and packed cord wood, or one hundred and sixty cubic feet of sawed and split wood.

Office.

Mark on carts.

1886, ch. 315. P. L. L., (1888) Art. 4, Sec. 530. 1894, ch. 313.

595. All stick wood sold by retail in the City of Baltimore, shall be measured in a solid frame made of wood or iron; a frame to measure one-eighth of a cord shall be two feet wide and two feet high; a frame to measure one-fourth of a cord shall be three feet wide and two feet eight

Measurement of wood.

inches high ; a frame to measure three-eighths of a cord shall be four feet wide and three feet high ; and a frame to measure one-half of a cord shall be four feet wide and four feet high, these various dimensions being all intended to import inside measurement ; all frames shall be measured and stamped every year by the inspector just as carts are measured and stamped.

1886, ch. 315. P. L. L., (1888) Art. 4, Sec. 531.

596. If any wood dealer shall sell stick wood by retail in the City of Baltimore, measured otherwise than in a frame, he shall be subject to the penalty of five dollars for each offence ; one-half of the penalty to go to the informer ; said penalty to be recovered before some Justice of the Peace.

Penalty.

1886, ch. 315. P. L. L., (1888) Art. 4, Sec. 532.

597. The two preceding sections shall not apply to the measurement of sawed and split wood.

Sawed or split wood.

1878, ch. 183. Sec. 4. P. L. L., (1888) Art. 4, Sec. 533.

598. If any owner of a cart or vehicle to be used in hauling fire-wood in the City of Baltimore shall neglect to have such cart or vehicle so inspected, and if any carter or person shall alter the marks of said carts or vehicles after the same have been so inspected, or shall alter the measurement of said fire-wood by increasing or taking from the same, or neglect to have said carts or vehicles stamped, as provided for in this sub-division of this Article, by the first day of June of each year, or if any dealer shall sell the aforesaid cord or sawed and split wood to any cart or vehicle not properly stamped by the measurer or his deputies, provided for by this sub-division of this Article, he shall be subject to the penalty of five dollars for each offence, to be recovered as small debts are now recovered, before some Justice of the Peace, for the the use of the City of Baltimore.

Prohibitions.

Penalty.

1878, ch. 183, Sec. 5. P. L. L., (1888) Art. 4, Sec. 534.

599. In case of dispute between the purchaser and seller of any lot of fire-wood, the measurer or his deputy, appointed under this sub-division of this Article, may act as arbitrator between said parties, and his decision shall be final; for which services he shall receive the sum of six and one-quarter cents for each cord of wood so inspected and measured by him, to be paid by the party at whose request said service was performed; the said measurer or deputy to give a certificate of the number of cords contained in each lot.

Arbitration of disputes.

JONES' FALLS.

1870, ch. 115. P. L. L., (1888) Art. 4, Sec. 579.

600. None of the provisions of this Article in reference to constructing sewers and opening and paving streets in the City of Baltimore shall apply to the construction of the sewers, and to the opening and paving of the streets and avenues for which provision is made in this Article relating to Jones' Falls, save in so far as the said provision may be made applicable thereto by an ordinance of the Mayor and City Council of Baltimore, passed for that purpose; and *provided* further, that no appeal shall lie from the decisions of the Baltimore City Court in proceedings in said Court under the provisions of this Article relating to Jones' Falls.

General provisions in this article in relation to streets and sewers not to apply to Jones' Falls except as in this section provided.

Proviso as to appeals.

1870, ch. 115. P. L. L., (1888) Art. 4, Sec. 580.

601. All of the provisions of an ordinance of the Mayor and City Council of Baltimore, entitled an ordinance to provide for the improvement of Jones' Falls within the limits of the City of Baltimore, approved January 31, 1870, shall have the same force, effect and operation, and be in all respects as valid as if the said ordinance had been passed after the approval of the Act of 1870, chapter 115, or had been passed after the enactment of a law by the General Assembly of Maryland authorizing and empowering the Mayor and City Council of Baltimore to pass such an ordinance.

Ordinance made valid.

JURORS.

P. L. L., (1860) Art. 4, Sec. 601. 1860, ch. 308. 1867, ch. 401, Sec. 4. 1882, ch. 67. 1884, ch. 450. P. L. L., (1888) Art. 4, Sec. 583.

Selection of 750
names.

602. The Judges of the Supreme Bench of Baltimore City, or a majority of them, shall meet in some one of the courtrooms of the City of Baltimore on such days as the said Judges, or a majority of them, shall appoint, in the month of April in each year, and shall on such days of meeting, select fairly and impartially, and by the exercise of their best judgment, the names of seven hundred and fifty persons, or thereabout, qualified under the laws of this state to be grand and petit jurors in the City of Baltimore. They shall cause the names of the persons so selected to be entered in a proper book, and shall verify the list so made up by their certificate and signatures. The said book containing the said list shall be placed in the custody of the Clerk of the Superior Court of Baltimore City.

*Clare *v.* State, 30 Md. 163. Avirett *v.* State, 76 Md. 535. State *v.* Keating, 85 Md. 188.

P. L. L., (1860) Art. 4, Sec. 602. 1860, ch. 308. 1882, ch. 67. 1884, ch. 450. P. L. L., (1888) Art. 4, Sec. 584.

City Collector
to furnish
list from tax-
payers.

603. In order to assist the said Judges in making out the list of jurors aforesaid, the City Collector of the City of Baltimore, shall, before the first day of February in each and every year, lodge with the Clerk of the Superior Court of Baltimore City, for the use of said Judges, a certified list of so many of the taxable male inhabitants, resident in the said City, as he may have been directed to furnish by the order of said Judges, or a majority of them, setting out their names and places of residence, so far as the same may be ascertained; and the said Collector shall receive for such service a compensation to be fixed by said Judges, and he shall be paid as jurors are paid.

1860, ch. 308. 1882, ch. 67. 1884, ch. 450. P. L. L., (1888) Art. 4, Sec. 585.

604. The said list of persons, qualified under the laws of this State to be grand and petit jurors in the City of

Baltimore, having been prepared as aforesaid, it shall be the duty of the said Judges of the Supreme Bench of Baltimore City, or a majority of them, to meet in each and every year in some one of the courtrooms of the City of Baltimore, on one or more days to be appointed by them, before the beginning of each regular term of the Criminal Court of Baltimore, which said meeting, or the last of which said appointed meetings shall be at least ten days before the beginning of each of said terms, and to select from said list the names of twenty-three persons, who shall constitute and be the grand jurors for the City of Baltimore for the ensuing term of said Criminal Court of Baltimore; the list of grand jurors so selected shall be attested by the signatures of the Judges selecting the same, and be given forthwith to the Sheriff of Baltimore City, who shall immediately summon the persons so selected, to serve as grand jurors for the City of Baltimore at the ensuing term of the Criminal Court of Baltimore. If any of the grand jurors so selected and summoned shall be shown to be disqualified, or be from any sufficient cause excused from serving, it shall be the duty of the said Judges of the Supreme Bench of Baltimore City, or of a majority of them, to re-assemble as soon as they are notified thereof by the Judge of the Criminal Court of Baltimore, and to assemble again, from time to time, if the same be necessary, to correct and complete, in the manner hereinbefore provided for, the said Grand Jury for the City of Baltimore, by the selection of proper persons as aforesaid from the list of qualified jurors made as aforesaid, omitting in said selection the names of persons on said lists who may have been drawn to serve as petit jurors in other Courts of said City at said term. The Judges shall, after so correcting and completing the list of grand jurors for the City of Baltimore, so before made out by them, attest the said list of grand jurors as so corrected, by their certificate and signatures thereto. The Judge of the Criminal Court of Baltimore shall, at the beginning of each term of the said court, designate the foreman of the Grand Jury for the City of Baltimore for the said ensuing term, from among the number of grand jurors selected as aforesaid for said City;

Selection of
Grand
Jurors.

Foreman.

and in case of the disqualification, sickness, absence or death of said foreman, or of any foreman of said Grand Jury, may designate another from among the number of said Grand Jury, who shall act as such foreman.

State v. Keating, 85 Md. 188.

1900, ch. 164.

Clerk to the
Grand Jury.

604 A. Upon the organization of each Grand Jury, as provided for in the preceding Section, and upon their request therefor signified to the Judge or Judges for the time being specially assigned to and sitting in the Criminal Court of the said City, the said Judge or Judges may, and they are hereby authorized and empowered to, appoint a clerk, who shall be a competent stenographer, at a compensation not exceeding the rate of fifteen hundred dollars per annum, to be paid by the Mayor and City Council of Baltimore, which said clerk shall have authority to take and transcribe the testimony given before any Grand Jury in said City of Baltimore, and whenever required by the State's Attorney shall attend upon and take and transcribe the testimony given at Coroner's inquests, and all of the said testimony so taken and transcribed shall be for the exclusive use and benefit of the Grand Jury and the State's Attorney of said City, unless otherwise ordered by the Court.

1900, ch. 164.

Clerk's oath.

604 B. Any clerk appointed under the provisions of the preceding Section shall before he enters upon the duties of his office take and subscribe before the Clerk of the Criminal Court of Baltimore City an oath that he will keep secret all matters and things occurring before such Grand Juries.

1900, ch. 164.

604 C. It shall be lawful for any stenographer, duly appointed and qualified as herein provided, to attend and be present at the sessions of every Grand Jury empaneled

in the said City, and it shall be his duty to take in short hand the testimony introduced before such Grand Juries and to furnish to the Grand Jury and the State's Attorney of said City a full copy of all such testimony as such Grand Jury or State's Attorney shall require, and he shall not permit any other person to take a copy of the same nor of any portion thereof, nor to read the same nor any portion thereof, nor shall he disclose the character or any of the contents of the same to any person or persons other than the Grand Jury or State's Attorney for said City, except upon the written order of the Court duly made after hearing the State's Attorney. All of the said original minutes shall be kept in the custody of said State's Attorney, and neither the same nor a copy of the same shall be taken from the office of said State's Attorney excepting for the use of a Grand Jury for said City or for production in Court, without an order of Court first had and obtained, as above provided.

Clerk to record proceedings and preserve secrecy of same.

State's Attorney be custodian of minutes.

1900, ch. 164.

604 D. Any stenographer appointed as aforesaid who shall violate any of the provisions of the three preceding sections with regard to secrecy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding one thousand dollars or imprisoned in jail not exceeding one year, or be both fined and imprisoned in the discretion of the Court.

Penalty.

1882, ch. 67. 1884, ch. 450. P. L. L., (1888) Art. 4, Sec. 586.

605. The said Judges of the Supreme Bench of Baltimore City, or one or more of them, shall, at one or more of the meetings provided for in the last preceding section of this sub-division of this Article, after the selection of the grand juries for the City of Baltimore, as provided in the last preceding section, cause all the names selected by the Judges as aforesaid, remaining upon said list of qualified jurors, to be inscribed upon ballots, which shall be of equal size, color and appearance, and shall be closely folded and

Drawing of 400 names from list of qualified jurors.

shall be placed by one of such Judges, with his own hands, on the day of said meeting and immediately before the drawing herein provided for, in a drawing wheel to be provided for that purpose by the Sheriff of Baltimore City, under the direction of said Judges; the said Judge shall then cause the said Sheriff, or such one of his deputies as he shall designate, to appear before him ; and it shall be the duty of the said Sheriff or his said deputy, in the presence and in the immediate view of the said Judge or Judges, and of such other persons as may choose to attend, to draw one by one from said wheel the ballots contained therein until four hundred of said ballots have been drawn therefrom; and the said Judge or Judges shall cause the said wheel to be turned upon its axis before the commencement of said drawing, and after the ballots have been deposited therein, and after the drawing of each ballot, and before the drawing of the next, until four hundred of said ballots shall have been drawn ; and said Judge or Judges shall forthwith cause the names appearing upon said ballot as drawn, together with the names selected as grand jurors, to be duly recorded in a proper book in the order in which they shall have been chosen, and in which said Judge or Judges shall have seen them drawn as aforesaid, which said Judge or Judges so attending said drawing shall certify at the foot of said list to have been done.

Names of jurors to be recorded in order chosen.

1882, ch. 67. 1884, ch. 450. P. L. L., (1888) Art. 4, Sec. 591.

606. After four hundred of the names in the box shall have been drawn, as provided by section 605, it shall be the duty of said Judge or Judges who shall have attended said drawing to cause the names of the said several panels, and the names of the other persons drawn as aforesaid, to be entered in two books, in addition to the book provided in section 605, in the order in which the said panels and the names aforesaid were drawn ; and the said books shall be certified by the Judge or Judges who shall have attended said drawing, to be true copies of the book prescribed in

Entry of names in jury books.

section 605, and said books shall be denominated jury books for Baltimore City.**

1896, ch. 20. P. L. L., (1888) Art. 4, Sec. 591A.

607. In addition to the four hundred names to be drawn as provided by section 605 of this Article, it shall be the duty of said Judge or Judges who shall attend said drawing to cause to be drawn in the mode pointed out in said section 605, or in such other mode as shall be prescribed by the Supreme Bench of Baltimore City, one hundred additional jurors, or such other number as shall be deemed necessary to be drawn by the Supreme Bench of Baltimore City which said jurors so drawn, together with the said four hundred jurors, shall, under such regulations as shall be prescribed by the Supreme Bench of Baltimore City, serve from time to time as jurors in the common law courts of Baltimore City, and for such length of time as said courts shall prescribe, and power is hereby conferred upon said Supreme Bench of Baltimore City to prescribe by rule for the mode, time and place for the drawing of jurors, for the organization thereof, and for the distribution among the said several common law courts of Baltimore City, of the jurors whose drawing is provided for by the several sections of this subdivision of this Article, and to regulate the length of time for which the jurors drawn as aforesaid shall serve.

P. L. L., (1860) Art. 4, Sec. 609. 1860, ch. 308. 1882, ch. 67. 1884, ch. 450. P. L. L., (1888) Art. 4, Sec. 592.

608. When the jury books shall have been prepared and certified as directed in the foregoing section, it shall be the duty of the said Judge or Judges by whom the same shall have been so certified, to cause one of the said books to be deposited in the custody of the Clerk of the Superior Court of Baltimore City, and one in the custody of the Sheriff of Baltimore City, and one shall be retained

**NOTE.—*Condemnation Juries*.—Such juries need not be summoned from the jury book.

Balto., Belt R. R. Co. v. Turner, Daily Record, January 12, 1893.

Summoning
jurors.

Reserve list.

by the said Judges of the Supreme Bench of Baltimore City, or by such one of their number as they shall appoint for the purpose of verifying the list of persons so delivered as aforesaid to the Clerks or the Sheriff of Baltimore City. And when the said books shall have been delivered to the said Sheriff, he shall immediately summon the several jurors drawn for the several panels named in the said book, to serve in the court for which they have been respectively drawn, at such time as shall be designated by the court. And in addition to summoning the said jurors for the said several panels, the said Sheriff shall also summon such additional number of persons, whose names are set down in said book, and as nearly as may be in the order in which their names are so set down, as the said Judges of the Supreme Bench, or a majority of them, shall direct, to appear in the room of the Superior Court of Baltimore City at the same time with the panel for said court. And the said additional number of jurors shall constitute a reserve, from which without further summons, jurors may be selected to serve in lieu of any persons drawn for the regular panels of said court aforesaid, who may not be found, fail to appear, are legally disabled, or are excused or excluded from attending, so that the panels may be completed by selecting from said reserve, in the following order : First, for the Superior Court of Baltimore City ; second, the Criminal Court of Baltimore ; third, the Baltimore City Court ; and fourth, the Court of Common Pleas. And until said panels have been completed, said reserves shall be required, upon the order of the several courts, to proceed from one to the other in the order above mentioned ; and when all said panels have been completed, those persons summoned for such reserve, and not empaneled, shall be discharged, but shall not thereby be excused from service when resummoned ; and in empaneling juries for said reserve their names shall be called in the order in which they appear in said book ; and the names of said reserves shall first be all called in the Superior Court of Baltimore City, the Judge of which Court shall determine upon their qualifications as jurors,

and the right or claim of any members of said reserve to be excused or exempted from service.

Clare *v.* State, 30 Md. 166.

1882, ch. 67. 1884, ch. 450. P. L. L., (1888) Art. 4, Sec. 593.

609. If the full panels of jurors for the said several courts shall not be obtained from the jurors so drawn for the several panels of the said courts, as herein provided, or from said reserve, by reason of some of said jurors or reserve being legally disabled or excused from attending, or not being found, or from other causes, the Sheriff, upon being notified by any of said Judges what additional number of jurors is required for the court in which he presides, shall proceed to complete the said panel in which jurors are needed, by summoning in the stead of such jurors such number of persons as said Judge may direct, of the persons whose names are set down in the said jury book next after the regular panels, and after those persons who have been summoned as the reserve hereinbefore provided for; and he shall summon such persons, as near as he can reasonably do so, in the order in which they are set down in said book, and their names shall be called for empaneling in the order in which they appear in said book.

Additional
jurors.

1860, ch. 308. 1882, ch. 67. 1884, ch. 450. P. L. L., (1888) Art. 4, Sec. 594.

610. If at any trial of any cause in any of the several courts as aforesaid, *tales de circumstantibus*, shall be ordered, it shall be the duty of the Sheriff to summon such talesmen, those who are entered in said book and are not upon the regular panels as aforesaid; and such talesmen shall be summoned and called to be sworn or affirmed upon the *voir dire*, or otherwise, in the order in which their names are set down in said jury book, unless the sheriff or his deputy in that behalf shall swear that he has made true and diligent search for such persons as do not appear, and that they cannot be found, or unless being summoned such persons have failed to appear, or unless the State's

Talesmen.

Failure of
talesmen to
appear.

Jury men not
engaged may
be sum-
moned.

Rule when
whole list is
exhausted.

Attorney or his deputy, and counsel for the traverser, or the counsel for the parties litigant, with the consent of the court, shall waive said order for summoning and swearing or affirming such talesmen ; but if said affidavit shall have been made by said Sheriff or his deputy, or if such persons shall fail to appear after having been summoned as aforesaid, or the said waiver shall be made with the consent of the court, then such of the talesmen as have been properly summoned and have appeared shall be called to be sworn in the order in which their said names are recorded in the jury book aforesaid ; or whenever in either of said courts it shall be necessary to summon talesmen, the Judges of the said courts, respectively, instead of, or in addition to, resorting to the foregoing provisions of this section for the summoning of talesmen, may order the Sheriff to summon as such talesmen, any of the jury men in attendance upon either of the said courts, except said Criminal Court of Baltimore, who may not then be engaged as a part of any special panel ; and if it should happen at any time in summoning talesmen for any of the said courts, the Sheriff shall exhaust the whole list of the names drawn from the said wheel, as provided in this sub-division of this Article, it shall be his duty immediately to make report thereof, verified by his affidavit or affirmation, to the Supreme Bench of Baltimore City, and thereupon the said Judges, or one of them, shall immediately cause the Sheriff, or his deputy to be designated by him, to appear before such Judge, in some one of the courtrooms in said City, and cause such additional number of names as shall be designated by the Judge of the Court for which such talesmen are needed, to be drawn from the names selected by said Judges as aforesaid, and still remaining upon said list of qualified jurors, and from such further names, if any, as the Judges of the Supreme Bench, or a majority of them, shall select and cause to be added to said list ; and the said drawing shall be made, and the names drawn shall be recorded in the manner provided in sections 605 and 606 ; and the talesmen shall be summoned from such additional number of persons so drawn in the manner hereinbefore directed.

P. L. L., (1860) Art. 4, Sec. 611. P. L. L., (1888) Art. 4, Sec. 595.

611. Every petit juror sworn upon any special panel shall continue to serve thereon until discharged by the court, notwithstanding the expiration of his term of three weeks, aforesaid ; but no one summoned as a juror shall be excused from service except in open court, on good cause shown to the satisfaction of the court ; and if any juror summoned, and not excused, shall fail to attend the said court until duly discharged, he shall be fined, for the use of the said City, not less than twenty nor more than two hundred dollars, to be recovered by attachment, or such other appropriate process as the said court may direct.

Attendance of
Jurors.

Mills v. State, 76 Md. 280. See, City Code (1879), pages 566-569.

1882, ch. 67. 1884, ch. 450. P. L. L., (1888) Art 4, Sec. 596.

612. It shall be the duty of said Judges, or a majority of them, to assemble as hereinbefore in this sub-division of this Article provided, on the Thursday preceding the fourth Monday of each term, and thereafter so long as a jury may be required for any of said courts, from three weeks to three weeks during each term of each of the said courts which may require the attendance of a jury ; at such meetings the said Judges, or a majority of them, shall cause the names of those who have served on any of the regular panels of the aforesaid courts since the making of the list of qualified jurors as aforesaid to be stricken from said list ; and the persons whose names are so stricken from said list shall not be liable to serve again as jurors for two years, accounting from the beginning of the term for which their names were so entered on the list of qualified jurors ; the said Judges, or a majority of them, shall then add to said list of qualified jurors such qualified persons as shall suffice to make up the number of seven hundred and fifty qualified persons, or thereabouts. From the said whole number the jurors to serve for three weeks from the ensuing Monday shall then be drawn for the said courts, and their names be recorded in the said jury books in the manner hereinbefore provided by this sub-division

Successive
drawings of
jurors.

Service of
Jurors.

Replenishing
list of jurors.

of this Article, under the superintendence of one or more of said Judges. And if, at the time of any drawing, juries shall not be required for all of said courts, then it shall not be necessary to draw panels for the court not requiring them, but jurors shall be drawn for such courts only as may need them, in the manner hereinbefore provided in this Article relating to jurors, so far as concerns the courts requiring such juries; and besides summoning said panels for the said courts, the Sheriff shall also summon at the same time such number of reserves as he may be required by the Judges, or a majority of them, as provided by section 608; and said reserves shall also be liable to service as in said section mentioned.

1860, ch. 308. P. L. L., (1860) Art. 4, Sec. 613. P. L. L., (1888) Art. 4, Sec. 597.

Talesmen from
regular
panels.

613. If it should happen that the said lists of persons competent to act as jurors, other than the regular panels as aforesaid, should at any time be exhausted as talesmen, it shall also be competent for the Sheriff to summon as talesmen any of the regular panels in any of the other of said courts in Baltimore City who may be at the time of such summons not engaged as part of any special panel in any of the said courts; but it is herein provided that whenever any part of the regular panel of any court, shall be by the Sheriff as aforesaid summoned to attend in another, as talesman, jurors of the regular panel of the court in which talesman are required, or so many of them as shall be needed, shall be by the said Sheriff notified to attend in the courts from which regular jurors have been withdrawn; and the said jurors shall attend accordingly in the said courts until the regular jurors of said court are discharged from the court in which they shall be required to serve as talesmen as aforesaid.

1882, ch. 67. 1884, ch. 450. P. L. L., (1888) Art. 4, Sec. 598.

614. Any person who shall fraudulently mark or designate or open or leave open, or cause or knowingly permit

to be marked or designated, or to be opened or left open any ballot for jurors which shall be prepared for the purpose of being drawn under this sub-division of this Article, or who, by any fraudulent contrivance, device, or collusion whatever, shall prepare or arrange, or cause, or knowingly permit to be prepared or arrange any ballot aforesaid, so that the same or any thereof may be known or recognized in the drawing thereof, or may be drawn in preference to others, or for the purpose of their being so known or recognized, or being so drawn or omitted to be so drawn; and any person who shall in any way fraudulently or collusively deal with the ballots aforesaid, or any of them, or with the drawing thereof, or with the preparation or folding of said ballots, or with the wheel aforesaid, so that the fair operation and lawful and impartial execution of the provisions of this sub-division of this Article in relation to the selection of jurors in the City of Baltimore shall be knowingly prevented or interfered with, or with intent to interfere with or prevent the same, or to permit or allow the same to be interfered with or prevented, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to be confined, in the discretion of the Court, in the Penitentiary or Maryland House of Correction for a term of not less than one nor more than three years.

Fraudulent
drawing.

Penalty.

1860, ch. 308. P. L. L., (1860) Art. 4, Sec. 615. P. L. L., (1888) Art. 4, Sec. 599.

615. All special juries authorized by law to be summoned shall be summoned by the Sheriff of Baltimore City from those whose names may be inscribed in the jury book as then revised.

Special jury.

1860, ch. 308. P. L. L., (1860) Art. 4, Sec. 616. P. L. L., (1888) Art. 4, Sec. 600.

616. If any Sheriff of Baltimore City, or any deputy thereof, shall wilfully violate the provisions of this sub-division of this Article relating to juries, the said Sheriff

Sheriff's lia-
bility for
violation.

Penalty.

shall forfeit the sum of one thousand dollars, which shall be recovered by civil action in the name of the State against the Sheriff and the sureties on his bond in that behalf, and one-half of the penalty shall be paid to the informer.

1860, ch. 308. P. L. L., (1860) Art. 4, Sec. 617. P. L. L., (1888) Art. 4, Sec. 601.

Two Judges of
Supreme
Bench to con-
stitute quor-
um.

617. Any two of the Judges of the Supreme Bench of Baltimore City may constitute a quorum at any meeting held under the provisions of this sub-division of this Article, and may exercise all the powers reposed in the said Judges.

1860, ch. 308. P. L. L., (1860) Art. 4, Sec. 618. P. L. L., (1888) Art. 4, Sec. 602.

Peremptory
challenge by
State.

618. In all criminal cases in which the person indicted has or may have the right of peremptory challenge, the State's Attorney shall have the right to challenge peremptorily any number of jurors not exceeding five.

P. G. L., (1860) Art. 50, Sec. 18. P. L. L., (1888) Art. 4, Sec. 603.

Grand Jury to
visit jail.

619. The Grand Jury shall at each term of the court visit the jail, and inquire into its condition, the manner in which it is kept and the treatment of the prisoners, and report the same to the court.

1867, ch. 269. P. L. L., (1888) Art. 4, Sec. 604.

No advantage
to be taken of
failure to ob-
serve forego-
ing provi-
sions.

620. All the provisions of this sub-division of this Article relating to the mode of drawing and summoning jurors shall be construed as directory merely, and no indictment or presentment for any felony or misdemeanor shall be quashed, nor shall any judgment upon any indictment or presentment, whether after verdict, by confession or otherwise, be stayed or reversed, nor shall any challenge to the array of jurors be allowed because of any failure by the Judges, or the clerks, or the Sheriff, to comply with

the provisions of law relating to the drawing of jurors in the City of Baltimore ; *provided*, nevertheless, that if any officer concerned in the drawing of said jurors shall wilfully neglect to perform any duty imposed upon him by law, he shall be liable to indictment in the Criminal Court of Baltimore, and upon conviction shall be fined the sum of one thousand dollars. Penalty for violating same.

Pay of Jurors.

1880, ch. 441. P. L. L., (1888) Art. 4, Sec. 605.

621. Jurors in any of the courts of the City of Baltimore shall receive one dollar and a-half per day for each and every day they shall attend the several courts of this State in said City as jurors ; and it shall be the duty of the clerk of the court to which the jurors shall be summoned, to furnish on the day their services shall terminate, to each juror, a certificate, showing the days he has been in attendance on the court, and the amount payable to him for such service ; and the City Register shall pay the jurors the sums payable for such service in cash, and immediately upon the presentation and surrender of such certificate, with the receipt of the juror, and said payment shall not be demanded save upon the surrender of said certificates, and the said certificates shall not be the subject of assignment. Per diem of Jurors. Certificates.

Volunteer Militia Exempt from Petit Jury Duty.

1870, ch. 182. P. L. L., (1888) Art. 4, Sec. 606. 1906, ch. 61.

622. All certificates of membership of any legally organized volunteer company of the militia shall be signed by the commanding officer thereof, which certificates shall be issued on or before the first day of April in each year to such persons as may then compose the uniformed and active member of said company ; every such company may receive and have as many honorary members as it has active and uniformed members, and no more, on payment,

in advance, by each person desiring to become such honorary member, of not less than ten dollars per annum; which said money shall be received by the commanding officer of the company, and be by him applied to the payment of

When exempt. armory rent or the purchase of uniforms for the rank and file of the active members of his company, or to such purposes as may be authorized by the by-laws of said company; and the commanding officer of every company shall on or before the first day of June and December of every year render to the Adjutant General an account of the money so received and expended by him, and every such honorary member shall be entitled to receive a certificate of honorary membership of the company, to be signed as aforesaid, and bearing date at the time of its issue; which certificates of membership, whether of uniformed and active members or of honorary members, shall exempt the person therein named from petit jury duty for the period of one year from the date of his said certificate; *provided*, he files his said certificate with the clerk of the court before the drawing of the jury.

Proviso.

Albert, *Sheriff, v. White*, 33 Md., 297.

JUSTICES OF THE PEACE AND CONSTABLES.

1886, ch. 66. 1888, ch. 98, Sec. 16. 1888, ch. 314. 1890, ch. 125.
1896, ch. 117. 1904, ch. 16. P. L. L., (1888) Art. 4, Sec. 607.

Governor to
appoint
Justices of
the Peace.

623. The Governor, by and with the advice and consent of the Senate, shall appoint twelve Justices of the Peace from each of the Legislative Districts of Baltimore City, to be selected as follows: One from each of the wards comprising each of said districts, and six Justices of the Peace at large from each of said districts, and shall further appoint twelve Justices of the Peace from Baltimore City at large, who shall be appointed from such ward or wards as the Governor may elect or determine.

1902, ch. 611. 1904, ch. 521.

623A. In addition to the Justices of the Peace mentioned in section 623 of this Article, there shall be appointed by the Governor, by and with the advice and consent of the

Senate, and if the Senate shall not be in session, by the Governor, from the City of Baltimore at large, an additional Justice of the Peace to be known as the Magistrate for Juvenile Causes, who shall be a member of the bar of the Supreme Bench of Baltimore City, and shall receive from the Mayor and City Council of Baltimore City a salary of twenty-five hundred dollars per annum, payable monthly, and the jurisdiction and powers of such Justice shall be as follows: (1) He shall possess the general powers of a Police Justice of the Peace, or Justice of the Peace selected to sit at a stationhouse in the City of Baltimore, as the same are now or may hereafter be defined by law. (2) He shall have exclusive jurisdiction where jurisdiction is given by law to any Justice of the Peace in Baltimore City, in all cases of trial, commitment for trial, or commitment to any juvenile institution of any minor under the age of sixteen years; and such Magistrate shall sit at such times as may be necessary for the proper discharge of his duties, at such proper place in the Court House in Baltimore City, as may be provided by the Superintendent of Public Buildings. (3) He is empowered to appoint a suitable person to act as his clerk, who shall receive from the Mayor and City Council of Baltimore a salary of seven hundred and fifty dollars per annum, payable monthly, and shall attend at such time and places, and perform such duties as may be directed by said Justice, and shall be removable by him at his discretion. Whenever any minor is arrested he may be taken to such place other than a station-house as may be designated by said Justice and provided by the Superintendent of Public Buildings or the Mayor and City Council of Baltimore, but in the absence of such designation such minor may be held at a station-house as heretofore, until brought before the justice; and when such justice shall commit any minor for trial or for hearing, he may commit such minor to a suitable juvenile institution or other suitable prison instead of the Baltimore City Jail. The Board of Police Commissioners for the City of Baltimore shall designate two or more members of the Police force to attend said Justice and execute his powers and directions. In the absence of such Justice the Governor may designate

Magistrate for
Juvenile
Causes.

Exclusive
jurisdiction.

Policemen to
attend the
Court.

any other Justice of the Peace for Baltimore City to act in his place.

1876, ch. 28. P. L. L., (1888) Art. 4, Sec. 608.

Bond of Justices of the Peace.

624. Each of said Justices of the Peace before entering upon the duties of his office shall give to the State of Maryland a good and sufficient bond, with a surety or sureties to be approved by the Judge of the Superior Court of Baltimore City, in the penalty of five thousand dollars, with conditions that he will truly and faithfully discharge, execute and perform all and singular the duties and obligations of the office of Justice of the Peace, and that he will account for and pay over to the Clerk of the Court of Common Pleas and to the Register of the City of Baltimore, respectively, all fines, penalties and forfeitures, or the portion thereof which he is bound to account for and pay over to said respective officers, and that he will faithfully and truly account for and pay over to the person or corporation entitled to receive the same, all money belonging to such person or corporation which may come into his hands as Justice of the Peace.**

Day and Gorsuch *v.* Day, 4 Md. 262. Hiss *v.* State, 24 Md. 556. Knell *v.* Briscoe, 49 Md. 414. *State *v.* Carrick, 70 Md. 586.

P. L. L., (1860) Art. 4, Sec. 621. P. L. L., (1888) Art. 4, Sec. 609.

Office hours.

625. The Justices of the Peace for said City shall keep their places of official business open each and every day (Sunday excepted), from the hour of eight o'clock in the forenoon until one o'clock in the afternoon, and from three o'clock in the afternoon until six o'clock in the afternoon.†

**As to liability of Justices of the Peace for official acts, *see*, Roth *v.* Shupp, 94 Md. 57.

†NOTE.—For notes on decisions relating to Justices of the Peace and powers conferred by sections 626 and 627, *see*, notes, pages 219 to 222 inclusive, Baltimore City Code (1879).

P. L. L., (1860) Art. 4, Sec. 622. P. L. L., (1888) Art. 4, Sec. 610.
1894, ch. 132.

626. No Justice of the Peace, in any case of debt or damages whatever, shall issue a summons, except on application for the same by the plaintiff or his attorney in person, or in writing accompanied with the cause of action in said case ; nor an execution, except upon the order, in person or in writing, of the plaintiff or his attorney ; and if any Justice of the Peace for said City shall issue a summons or execution contrary hereto, or if any constable shall serve the same knowingly, such Justice or constable shall be liable to indictment in the Criminal Court of Baltimore, and on conviction shall be disqualified from holding his office.

Summons in debt and damages.

Penalty for improper summons.

State v. Carrick, 70 Md. 589.

1868, ch. 375. P. L. L., (1888) Art. 4, Sec. 611. 1894, ch. 132.

627. Every writ of replevin or summons issued by said Justice shall be made returnable before the same or any Justice of the Peace of the ward in which the defendant may reside, and the defendant shall have his election to have his case tried before the Justice who issued the writ of replevin or summons, or before the Justice of the ward in which he resides.

Where writs are returnable.

P. L. L., (1860) Art. 4, Sec. 624. P. L. L., (1888) Art. 4, Sec. 612.

628. The Justices of said City when called out of their offices on business not judicial, may receive such compensation for their services, in addition to their fees of office, as the party requiring their services may allow them.

Extra compensation.

1876, ch. 28. P. L. L., (1888) Art. 4. Sec. 613.

629. Each of the Justices of the Peace appointed for any legislative district shall keep his office within the limits of the legislative district for which he may have been appointed, except as provided in the succeeding section.

Location of office.

1882, ch. 219. 1890, ch. 230. P. L. L., (1888) Art. 4, Sec. 614.

1892, ch. 651. 1894, ch. 197. 1896, ch. 131. 1898, ch. 123,

Sec. 630. 1898, ch. 429.

630. It shall be the duty of the Governor, after the appointment of the Justices of the Peace provided for in Section 623, to select from the Justices of the Peace so appointed, a Justice of the Peace to sit at each station-house in the City of Baltimore, and, in addition, one Justice of the Peace to act at such times and places as is hereinafter provided for. Each Justice so selected shall keep his office at the station-house for which he was appointed, and shall attend to such station-house from 8 o'clock A. M., until 10 o'clock A. M., on every day of the week, except Sunday, and from 3 o'clock P. M. until 5 o'clock P. M. on every day except Sunday, and on every Sunday in each year shall attend at the station-house for which he was appointed from 9 o'clock A. M. until 11 o'clock A. M.; and at each of said respective sittings, hereinbefore provided for, shall perform all the duties which he is required by law to perform; the attendance at any station-house of the additional Justice of the Peace shall be regulated and controlled by the Board of Police Commissioners for the City of Baltimore, or by the State's Attorney for Baltimore City. The said respective Justices of the Peace, as selected to sit at any station-house in the City of Baltimore, shall transact no other business at such station-house except the business required of them by the seven preceding sections to be by them respectively performed at each station house.

Brish v. Carter, 98 Md. 452.

1892, ch. 651. P. L. L., (1888) Art. 4, Sec. 614A.

631. When there is an arrest by an officer of the Police Department in the City of Baltimore of any person for violation of an ordinance of the Mayor and City Council of Baltimore or a statute of the General Assembly of the State of Maryland, punishable by fine and not by imprisonment, during the hours when the Police Magistrates are not at their respective station houses, the police captain, lieutenant or other officer on duty and in charge

Justices of the Peace selected to sit at the station-houses in the city.

Hours of duty.

Additional Justice of the Peace.

Arrest out of office hours.

of such station is hereby authorized and empowered to release for the next hearing before the Police Magistrate any person so arrested upon a deposit of an amount equal to the fine or costs or penalty imposed if found guilty, as surety for such appearance, and after the hearing the deposit is to be returned to the depositor if the complaint is dismissed, if otherwise it is to be appropriated as designated by law.

Collateral for appearance.

Brish v. Carter, 98 Md. 452.

1882, ch. 615. 1894, ch. 281. P. L. L., (1888) Art. 4, Sec. 615.

1890, ch. 369. P. G. L., (1904) Art. 27, Secs. 67A & 68.

632. It shall be the duty of each Justice of the Peace so selected to sit at any station house in the City of Baltimore to hear all charges made against any person because of the alleged commission by such person of any criminal offence; it shall be the duty of said Justices to examine carefully into every such charge, to the end that while justice shall be done, no person shall be subjected to costs or imprisonment without sufficient cause; each of the said Justices of the Peace shall have power to hear, try and determine the case of every person who may be arrested and brought before him in the said City of Baltimore, charged with being a tramp, who is or may be punishable as such under sections 425 and 426 of Article 27 of the Code of Public General Laws, title "Crimes and Punishments"; and to hear, try and determine the cases of all persons arrested and brought before him charged with any offence specified in sections 67A and 68 of the same Article, or in sections 881 to 884 of this Article, relating to "Vagrant, Dependent and Vicious Children"; and to hear, try and determine the cases of all persons brought before him charged with assault or with assault and battery; and to hear, try and determine all charges of carrying concealed weapons, and all prosecutions or criminal proceedings for an act done or omitted to be done in the City of Baltimore, the doing of which act or the omission to do which act, which is or may be punishable under any Act of Assembly of this State or under any ordinance of the Mayor and City

Duty and authority of Justices of the Peace.

Petty offenses.

Council of Baltimore, by pecuniary fine only not exceeding one hundred dollars ; but it shall be the duty of the said Justice, before proceeding to hear, try and determine any of the charges aforesaid, to inform the party or parties charged therewith of his or their respective right to a jury trial ; and if a jury trial be so prayed, or if the State's Attorney for said City shall before trial for the alleged offence pray a jury trial on the part of the State, the Justice shall forthwith commit or hold the party to bail for trial in the Criminal Court of Baltimore and endorse on the commitment or recognizance the fact of a jury trial having been prayed ; it is, however, hereby expressly provided that the said Justices shall not have power to try and determine any violation of the Code of Public General Laws of this State relating to licenses, except violations of the laws relating to hawkers and peddlers, which they shall have jurisdiction to try and determine, and shall not have power to try and determine any violations of the laws relating to Sabbath-breaking, but shall cause all such offenders against the said provisions of said Code of Public General Laws, except as aforesaid, to be committed or held to bail for trial in the Criminal Court of Baltimore.**

Commitment.

Bail.

**Lancaster v. State*, 90 Md. 211.

**NOTE.—*Trials before Justices of the Peace.*

As to waiver of a jury trial before a Justice of the Peace and construction of Acts 1890, ch. 369 and 1894, ch. 281, *see*, *State ex rel. Lancaster v. Hall*, Daily Record, June 28, 1899.

As to discretion of a Justice of the Peace concerning punishment in cases of assault, *see*, *State v. Hebron*, Daily Record, September 3, 1903.

A commitment by a Justice of the Peace imposing an excessive penalty where accused was committed to House of Correction was held void only as to excessive part of penalty; *Adams v. Superintendent of House of Correction*, Daily Record, April 3, 1903.

The Act 1898, ch. 167 was held to be constitutional *in re*, *Loane v. Affelder*, Daily Record, July 2, 1898.

As to appeals from magistrates' judgments and trial of same, *see*, *Messick v. State*, 82 Md. 583; *Judefind v. State*, 78 Md. 510. As to right of jury trial in appeals from magistrates' decisions, *see*, *Danner v. State*, 89 Md. 220. As to jurisdiction of magistrates, *see*, *Roth v. State*, 89 Md. 524.

1882, ch. 219. P. L. L., (1888) Art. 4. Sec. 616.

633. In all criminal prosecutions or proceedings which, under the provisions of the preceding section, may be heard, tried and determined before a Justice of the Peace sitting at a station house in the City of Baltimore, it shall be the duty of such Justice of the Peace before whom such case is tried, in the event of the conviction of the accused at the said trial, to impose upon the said accused so con- Fines. victed, the fine, or the fine and punishment prescribed in case of such conviction by the Act of Assembly of this State, or by the ordinance of the Mayor and City Council of Baltimore, for the violation of which the accused was so tried. Any person sentenced to the payment of any fine, When not paid. and to the payment of the costs of his prosecution, who shall not forthwith pay the said fine and the costs of said prosecution, shall be committed by such Justice of the Peace to the jail of Baltimore City until such fine and costs are paid, or until the said person shall be discharged from such jail by the due course of law.

1882, ch. 219. P. L. L., (1888) Art. 4, Sec. 617.

634. When a person charged with any offence referred to in this sub-division of this Article, or the State's Attorney, shall pray a jury trial, the Justice of the Peace shall, Jury trial. in addition to his duties prescribed in section 632, endorse upon said commitment or recognizance the names and residences of the witnesses for the prosecution; and such commitment or recognizance so endorsed shall be returned forthwith to the Clerk of the said Criminal Court of Baltimore.

1876, ch. 28. P. L. L., (1888) Art. 4, Sec. 618.

635. The Justice of the Peace, so selected to sit at any station house, may be changed from time to time by the Governor, at his discretion, and any other Justice of the Peace may be selected by the Governor to perform the said Assignment of Justices. duties at said station house.

1876, ch. 28. P. L. L., (1888) Art. 4, Sec. 619.

Salary.

636. Each Justice of the Peace selected to sit at a Station house in the City of Baltimore shall receive the sum of one hundred and seventy-five dollars per month, or a proportionable part thereof, so long as he shall continue to act at a station house in said City, under the selection of the Governor; which sum of money shall be paid to him by the City Register at the end of each month of his said service, or a proportionable part thereof, at the end of any portion of a month at which the service of such Justice of the Peace at said station house may terminate, upon the certificate of the Board of Police Commissioners of Baltimore City, that such service has been rendered under the appointment of the Governor as aforesaid; and no Justice of the Peace selected for a station house shall be permitted to charge any fee, or receive any gratuity for granting any release, or for the performance of any duty required by law.

Fees for granting releases prohibited.

1880, ch. 461. P. L. L., (1888) Art. 4, Sec. 620.

Temporary absence of J. P's.

Substitute J. P's.

637. If any Justice of the Peace who has been selected as aforesaid to sit at any station house in the City of Baltimore is unable, by reason of sickness or other unavoidable cause, to attend to his duty at said station house, or fails to attend at said station house, at any time, when his presence is there required, it shall be the duty of the Board of Police Commissioners of Baltimore City to require another Justice of the Peace to perform the duties at said station house, of the said Justice of the Peace so sick or absent; and it shall be the duty of the Justice of the Peace so required to perform said duties at said station house, to perform the same so long as may be necessary, or until the Governor shall select another Justice to perform said duties; the Justice of the Peace so required to perform said duties at said station house, by the said Board of Police Commissioners, in place of the Justice selected by the Governor, shall receive six dollars per day for every day he shall actually serve at such station house; which pay shall be deducted from the pay provided to be paid to

to the Justice selected to sit at such station house and failing to attend ; *provided*, that said pay of the said Justice who may sit in the absence of the Justice so selected to sit at any station house, shall not be deducted from the pay of the said last-named Justice, if the said Board of Police Commissioners shall certify that such absence was by reason of his necessary attendance upon any court or Justice of the Peace of said State, under its process, nor when such absence shall not exceed fifteen days in the course of any one year, and when the said Board of Police Commissioners shall certify that such last-named absence, not exceeding fifteen days, as aforesaid was occasioned by sickness or other unavoidable cause.

1888, ch. 336. P. L. L., (1888) Art. 4. Sec. 621.

638. The said station-house Justices are granted a leave Leave with pay. of absence, with pay, for fifteen days during each and every year ; and the Board of Police Commissioners are authorized to designate one of the civil magistrates to act in their place during said absence, who shall be paid the same as the station-house Justices receive.

1876, ch. 28. P. L. L., (1888) Art. 4, Sec. 622.

639. No Justice of the Peace appointed under the provisions of section 623 shall be paid by the City of Baltimore any fee for issuing any State writ, or for any search warrant, or for taking the recognizance of any witness, or for taking any recognizance in any case reported to court, or for any commitment or release, or for issuing any *subpoena* in any criminal case, or in any case instituted to recover any fine, penalty or forfeiture claimed by the State of Maryland, or by the Mayor and City Council of Baltimore ; and no police officer or constable shall be paid by the Mayor and City Council of Baltimore any fee for the service of any *subpoena* or process in any criminal case, before any Justice of the Peace, or for service of any *subpoena* or process in any case pending before any Justice of the Peace,

Fees in relation to duties prohibited.

for the recovery of any fine, forfeiture or penalty by the State of Maryland or by the Mayor and City Council of Baltimore.

1876, ch. 28. P. L. L., (1888) Art. 4, Sec. 623.

Police to serve
warrants.

640. It shall be the duty of the officers of police, policemen and detectives appointed by the Board of Police Commissioners of Baltimore City, to serve and execute any and all writs, warrants, *subpoenas* and commitments, which may be issued by any Justice of the Peace selected to sit at the station houses in the City of Baltimore as hereinbefore provided.

1876, ch. 28. P. L. L., (1888) Art. 4, Sec. 624.

State writs re-
turnable.

641. Whenever any Justice of the Peace appointed under the provisions of this sub-division of this Article other than one of the Justices selected as aforesaid to sit at a station house as aforesaid, shall issue a State writ for the arrest of any person, or shall issue any writ or summons against any person or corporation to recover any fine, penalty, or forfeiture, under any law of this State, or under any ordinance of the Mayor and City Council of Baltimore, such writ or summons shall be made returnable before one of the Justices of the Peace selected by the Governor to sit at a station house in the City of Baltimore, and shall not be made returnable before the Justice of the Peace issuing the same, unless he be one of the Justices of the Peace selected to sit at a station house as aforesaid.

1876, ch. 28. P. L. L., (1888) Art. 4, Sec. 625.

Duty of officer
making
arrest when
warrant is re-
turnable
before station
house Justice.

642. Whenever any person shall be arrested upon any criminal charge, or for the violation of any law of this State, or of any ordinance of the Mayor and City Council of Baltimore, it shall be the duty of the police officer or constable making such arrest, or in whose custody the said person so arrested may be, to take the person so arrested before the Justice of the Peace sitting at a station house who may have issued the writ or warrant for such arrest,

or before whom such writ or warrant of arrest is made returnable; but if such arrest is made without writ or warrant, or if such writ or warrant is made returnable before another Justice than a Justice of the Peace sitting at a station house, it shall be the duty of the said police officer or constable to take the person so arrested to the nearest station house; and the Justice of the Peace sitting at said station house shall take jurisdiction in said case.

Same where arrest is made without warrant or warrant is not returnable before station house Justice.

1876, ch. 28. P. L. L., (1888) Art. 4, Sec. 626.

643. Every Justice of the Peace appointed under the provisions of this sub-division of this Article, shall file with the Clerk of the Court of Common Pleas, on the first day of April, July, October and January, in each and every year, an account verified by his oath or affirmation, of all fines, forfeitures and penalties imposed by him under the laws of this State, during the three preceding months; which said account shall show the names of the respective defendants, the Acts of Assembly under which said fines, forfeitures and penalties were respectively imposed, and the amounts paid in each case by the said respective defendants; and the said Justice of the Peace, at the time of filing said account shall pay over to the said clerk the amount of said fines, penalties and forfeitures so received, or the portion thereof to which the State of Maryland is entitled, to be accounted for by said clerk as other moneys of the State are accounted for by him.

Accounting; State's portion of fines imposed under laws.

1876, ch. 28. P. L. L., (1888) Art. 4, Sec. 627.

644. Every Justice of the Peace appointed under the provisions of this sub-division of this Article shall file with the City Register, on the first day of April, July, October and January in each and every year, an account verified by his oath or affirmation, of all fines, forfeitures and penalties imposed by him under the ordinances of the Mayor and City Council of Baltimore during the three preceding months; which said accounts shall show the names of the respective defendants, the ordinances under which said

Accounting; City's portion of fines imposed under ordinances.

finest, penalties or forfeitures were, respectively, imposed, and the amounts paid in each case by said respective defendants; and the said Justice of the Peace at the time of filing said account shall pay over to the said Register the amount of said fines, penalties and forfeitures so received, or the portion thereof to which the Mayor and City Council of Baltimore is entitled to be accounted for by said Register as other moneys of the said City are accounted for by him.

1876, ch. 28. P. L. L., (1888) Art. 4, Sec. 628.

When no fines
collected.

645. If any Justice of the Peace shall not have imposed or received any such fines, forfeitures or penalties, or any portion thereof, as are mentioned and described in the said two preceding sections, in the said three months preceding the time hereinbefore prescribed for filing said accounts, he shall file an affidavit or affirmation to that effect at the time prescribed for filing said accounts.

1876, ch. 28. P. L. L., (1888) Art. 4, Sec. 629.

Accounting
and appli-
cation of
costs.

646. All Costs paid to any Justice of the Peace sitting at any station house shall be accounted for and paid by said Justice to the Board of Police Commissioners of Baltimore City, to be by them applied as directed by section 750 of this sub-division of this Article.

P. G. L., (1860) Art. 18, Sec. 25. P. L. L., (1888) Art. 4, Sec. 630.

Justices of the
Peace not to
take *super-
sedeas*.

647. It shall not be lawful for the Justice of the Peace of the City of Baltimore to take *supersedeas* of any judgment recovered in the Court of Common Pleas, the Superior Court of Baltimore City, or Baltimore City Court, or any decree of the Circuit Court or Circuit Court Number Two of Baltimore City, but such *supersedeas* shall be taken by the clerks of said courts respectively.

1864, ch. 179. 1870, ch. 39. P. L. L., (1888) Art. 4, Sec. 31.

648. If a Justice of the Peace in Baltimore City dies, resigns or is removed, his docket and papers shall be delivered to the Clerk of the City Court within thirty days thereafter.

Death, resignation or removal.

1876, ch. 28. P. L. L., (1888) Art. 4, Sec. 633.

649. If any Justice of the Peace or constable appointed under the provisions of this sub-division of this Article be convicted in a court of law, of any misdemeanor in office, his removal from said office shall be part of the sentence or judgment pronounced upon him by the said Court. No constable shall deputize any person to act in the service of any writ whatever for or in his behalf.

Misdemeanors of J. P's.

Constables not to deputize.

LANDLORD AND TENANT.

1888, ch. 487. 1890, ch. 327. P. L. L., (1888) Art. 4, Sec. 634.

650. In all cases of any demise or agreement for rental, express or implied, verbal or written, hereafter to be made of lands or tenements, whether real estate or chattels real, within the limits of the City of Baltimore, for less term than three calendar months, the remedy of distress for rent due be and the same is hereby taken away and altogether superseded.

Distress denied for less term than three months.

1888, ch. 487. 1890, ch. 327. P. L. L., (1888) Art. 4, Sec. 635.

651. Whenever the tenant under any such demise or agreement of rental, express or implied, verbal or written, of lands or tenements, whether real estate or chattels real within the limits of the City of Baltimore, shall fail to pay the rent thereunder when due and payable, it shall be lawful for the lessor to have again and re-possess the premises so rented.

Repossession provided.

1888, ch. 487. 1890, ch. 327. P. L. L., (1888) Art. 4, Sec. 636.

652. Whenever any lessor shall desire to have again and re-possess any premises to which he is entitled under the

Proceedings for re-possession.

provisions of the preceding section, he, or his duly qualified agent or attorney, shall make his written complaint under oath or affirmation, before any Justice of the Peace of the City of Baltimore, and describing therein in general terms the property sought to be had again and re-possessed as aforesaid, and also setting forth the name of the tenant to whom the same is rented, or his assignee or under tenant or tenants, with the amount of rent thereon due and unpaid; and praying by warrant to have again and re-possess the premises, together with judgment for the amount of rent due and costs; and it shall thereupon be the duty of said Justice of the Peace forthwith to issue his summons, directed to any constable of the City of Baltimore, and ordering him to notify said tenant, assignee or under tenant forthwith to appear before the said Justice of the Peace, at the trial to be held on the second day after the filing said complaint, to show cause why the prayer of said lessor should not be granted as aforesaid, and the said constable shall forthwith proceed to serve said summons upon said tenant, assignee or under tenant in said premises, or upon his or their known or authorized agent, but if for any reason, neither said tenant, assignee or under tenant, nor his or their agent can be found, then said constable shall affix an attested copy of said summons conspicuously upon said premises, and such affixing of said summons shall, for the purposes of this sub-division of this Article, be deemed and construed a sufficient service upon all persons whomsoever.

1888, ch. 487. 1890, ch. 327. P. L. L., (1888) Art. 4, Sec. 637.

Adjournment.

653. If at the trial on the second day aforesaid, the Justice of the Peace shall be satisfied the interest of justice will be better served by an adjournment to enable either party to procure his necessary witnesses, he may adjourn the trial for a period not exceeding one day, except by consent of all parties, and if at said trial or due adjournment thereof as aforesaid, it shall appear to the satisfaction of the Justice of the Peace before whom said complaint has been made and tried as aforesaid, that the rent or any part

of the rent for said premises is actually due and unpaid, then the said Justice of the Peace shall give judgment in favor of said lessor for the amount of rent found due, with costs of suit, and shall order that said tenant and all persons claiming or holding by or under said tenant shall yield and render up possession of said premises unto said lessor, or unto his duly qualified agent or attorney within two days thereafter; *provided*, however, that if the said tenant, or some one for him, shall at said trial or due adjournment thereof as aforesaid, tender the rent found to be due and unpaid, together with the costs of said suit, the said complaint shall be entered satisfied and no further proceedings shall be had thereunder.

1888, ch. 487. 1890, ch. 327. P. L. L., (1888) Art. 4, Sec. 638.

654. In case judgment shall be given in favor of said lessor in the manner aforesaid, and the tenant shall fail to comply with the requirements of the said order within two days aforesaid, the said Justice of the Peace shall, on or at any time after the expiration of said two days, issue his warrant, directed to any constable of the City of Baltimore, that the lessor may elect, ordering him to cause said lessor to have again and re-possess said premises by putting him (or his duly qualified agent or attorney for his benefit) in possession thereof, and for that purpose to remove from said premises, by force if necessary, all the furniture, implements, tools, goods, effects or other chattels of every description whatsoever belonging to said tenant, or to any person claiming or holding by or under said tenant.

1888, ch. 487. 1890, ch. 327. P. L. L., (1888) Art. 4, Sec. 639.

655. The tenant may appeal from the judgment of the Justice of the Peace to the Baltimore City Court, at any time within two days from the rendition of such judgment; the tenant in order to stay any execution of the judgment, shall give a bond to the landlord with one or more securities, who are owners of sufficient leasehold or real estate in Baltimore City, with condition to prosecute the appeal

Appeal bond.

with effect, and answer to the landlord, his executors, administrators, in all costs and damages mentioned in the judgment, and such other damages as shall be incurred and sustained by reason of said appeal; the aforesaid bond shall not affect in any manner the right of the lessor to proceed against said tenant, assignee or under tenant for any and all rents that may become due and payable to the lessor after the rendition of said judgment.**

1888, ch. 487. 1890, ch. 327. P. L. L., (1888) Art. 4, Sec. 640.

Fees and charges.

656. The fee and charges of the Justice of the Peace and constables under this Article shall be the following and no other: "First costs," to the Justice of the Peace for preparing the written complaint and taking the affidavit of the plaintiff thereto, twenty-five cents, and for issuing the summons to the tenant and preparing attested copy, twenty-five cents; "second costs," for every judgment rendered where there is no trial, twenty-five cents; for every judgment rendered on trial, fifty cents, and ten cents additional for every witness sworn or examined; "third costs," for preparing and taking the bond of tenant in case of appeal, twenty-five cents; for the warrant for re-entry (in case it be issued), twenty-five cents; "first costs," to the constable for serving the summons, forty cents; "second costs," for executing the warrant for re-entry, one dollar; and any Justice of the Peace or constable who shall charge or receive more than the actual fees prescribed for each specific act performed as the case proceeds, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to and pay a fine or penalty of not less than one hundred dollars or more than three hundred dollars for each offence, one-half thereof

Penalty for excessive costs.

****NOTE.**—*Appeals from Judgments of Justices of the Peace.* From a judgment rendered under the Act 1888, ch. 487, an appeal will lie to the Baltimore City Court.

Stewart v. Duvall, Daily Record, March 7, 1889.

NOTE.—In connection with section 655, *see*, Knell v. Briscoe, 49 Md. 420.

for the use of the State, and the other half thereof to the person that shall first prefer the charge against such offender.

LARCENY.

1900, ch. 739.

§656a. No person in the City of Baltimore shall purchase from a child or minor under the age of sixteen years any hardware, plumbing, gas or electric fixtures, tools, household utensils, books, ornaments, jewelry, poultry, or animals of any kind, unless the said child or minor under the age of sixteen years is accompanied by his or her parent or guardian, or by some adult person known to the purchaser, who shall certify that the said child or minor under the age of sixteen years has come by the goods honestly, and has a right to sell the same.

Unlawful to purchase from a child under certain age, certain articles, etc.

1900, ch. 739.

§656b. Any person offending against the preceding sections, and any person falsely certifying that he knows the child or minor under the age of sixteen years has obtained the goods honestly, and has a right to sell the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than two hundred dollars, or committed to jail for not more than six months, or fined and imprisoned as aforesaid.

Penalty for violation.

1900, ch. 739.

§656c. Nothing in this Act shall in any way affect Section 371, Article 27, of the Maryland Code of Public General Laws, entitled "Receiving Stolen Goods, Money or Securities."

Not to affect Sec. 371, art. 27, P. G. L.

LEGISLATIVE DISTRICTS.

Wards.

1898, ch. 10.

§656d. It shall be the duty of the Board of Supervisors of Elections of Baltimore City to proceed forthwith to

Divided into
twenty-four
wards.

divide and lay off the City of Baltimore into twenty-four wards, to be each as regular and compact in form as may be practicable, and having according to the police census taken in December, 1897, as nearly as may reasonably be practicable, equal population, and in such manner that no ward shall exceed or fall short by more than fifteen per cent. of the number of inhabitants it would contain if it was so laid off as to include within its boundaries precisely one-twenty-fourth of the aggregate population of the city, and the said Board of Supervisors shall number the said wards from one to twenty-four consecutively.

1898, ch. 10.

Wards to be
described
and num-
bered.

§656e. When the said twenty-four wards are so laid out by the said Board of Supervisors of Elections of the City of Baltimore, as hereinbefore directed, it shall be the duty of the said Board to make or cause to be made in a proper book, a careful description of the boundaries of each of the said wards, so numbered as aforesaid, under its proper number, and after making a careful and exact copy of the same in another proper book, and after verifying the said original book and the said copy by their signatures, to deposit the original book in the clerk's office of the Superior Court of Baltimore City, and it shall be the duty of the said clerk of the said court, to record the same among the Land Records of his office, and a copy of the description or descriptions contained in the said record of the boundaries of any one or more wards therein mentioned and described, shall be evidence of the boundaries of such ward or wards so laid out as aforesaid, and the copy of said original book so made and so verified, as aforesaid, by the said Board of Supervisors of Elections of Baltimore City shall always be retained in the office of the said board among the records of the said board.

1898, ch. 10.

§656f. When said book containing the said descriptions of the said wards of the City of Baltimore so laid out as aforesaid, has been deposited for record in the clerk's

office of the Superior Court of Baltimore City, then the said wards, as in said book described, and laid, shall thereafter be deemed to be the several wards of Baltimore City.

When descriptions of wards are recorded, to become wards of City.

1898, ch. 10.

§656g. It shall be the duty of the said Board of Supervisors of Election to complete the said work of dividing the said City of Baltimore into wards, as provided by this Act, and of preparing the books showing such division as aforesaid and of depositing for record the book showing such division as hereinbefore directed within thirty days after the passage of this Act.

To be made within thirty days.

1898, ch. 10.

§656h. The said Board of Supervisors of Elections shall, after the said wards shall be laid off as aforesaid, proceed to divide each of said wards into a suitable number of election precincts, in the manner prescribed in section 124 of Article 33 of the Code of Public General Laws, as the same was amended and re-enacted by the Act of 1896, chapter 202, and by the Act of 1904, ch. 254, provided, however, that the said Board of Supervisors of Elections shall not be required to have published more than one insertion of the advertisement of such precinct, or of the boundaries of such precinct, required by said section 124 of said Article 33 to be made.

Wards to be divided into election precincts.

1898, ch. 10.

§656i. The said Board of Supervisors of Elections in the City of Baltimore shall cause maps to be made of the said new wards and precincts in the manner required by section 126 of Article 33 of the Code of Public General Laws, as amended and re-enacted by the Act of 1896, chapter 202.

Maps to be made.

1898, ch. 123, Sec. 657. 1901, ch. 8.

657. The twenty-four wards, into which the City of Baltimore is now divided, shall be numbered as follows ; The present first ward shall in future be known and numbered

Renumbering
of wards.

twenty-second ward ; the present second ward shall in future be known and numbered fourth ward ; the present third ward shall in future be known and numbered fifth ward ; the present fourth ward shall in future be known and numbered third ward ; the present fifth ward shall in future be known and numbered second ward ; the present sixth ward shall in future be known and numbered first ward ; the present seventh ward shall in future be known and numbered sixth ward ; the present eighth ward shall in future be known and numbered seventh ward ; the present ninth ward shall in future be known and numbered eighth ward ; the present tenth ward shall in future be known and numbered tenth ward ; the present eleventh ward shall in future be known and numbered ninth ward ; the present twelfth ward shall in future be known and numbered twelfth ward ; the present thirteenth ward shall in future be known and numbered eleventh ward ; the present fourteenth ward shall in future be known and numbered seventeenth ward ; the present fifteenth ward shall in future be known and numbered fourteenth ward ; the present sixteenth ward shall in future be known and numbered thirteenth ward ; the present seventeenth ward shall in future be known and numbered fifteenth ward ; the present eighteenth ward shall in future be known and numbered sixteenth ward ; the present nineteenth ward shall in future be known and numbered twentieth ward ; the present twentieth ward shall in future be known and numbered nineteenth ward ; the present twenty-first ward shall in future be known and numbered eighteenth ward ; the present twenty-second ward shall in future be known and numbered twenty-first ward ; the present twenty-third ward shall in future be known and numbered twenty-third ward ; and the present twenty-fourth ward shall in future be known and numbered twenty-fourth.

Boundaries of Legislative Districts.

1894, ch. 435. 1901, ch. 8. 1902, ch. 602.

Wards embraced in
Legislative
Districts.

657A. The first legislative district of Baltimore City shall be and consist of the wards as newly numbered by the

Act of 1901, chapter 8, from one to six, both inclusive, as said wards were laid out under the provisions of the Act of 1898, chapter 10, approved February 19, 1898;* and the second legislative district of Baltimore City shall be and consist of the following wards; as newly numbered by the Act of 1901, chapter 8, namely; seventh, eighth, ninth, twelfth, thirteenth and fifteenth, as said wards were laid out under the provisions of the Act of 1898, aforesaid; and the third legislative district of Baltimore City shall be and consist of the following wards as newly numbered by the Act of 1901, chapter 8, namely; tenth, eleventh, fourteenth, sixteenth, nineteenth and twentieth, as said wards were laid out under the provisions of the Act of 1898 aforesaid, and the fourth legislative district of Baltimore City shall be and consist of the following wards as newly numbered by the Act of 1901, chapter 8, namely; seventeenth, eighteenth, twenty-first, twenty-second, twenty-third and twenty-fourth, as said wards were laid out under the provisions of the Act of 1898 aforesaid.

Councilmanic Districts.

1901, ch. 8.

657B. The First Councilmanic District shall be and consist of the wards as newly numbered by this Act from one to six, both inclusive, as said wards were laid out under the provisions of the Act of 1898 aforesaid; that the second Councilmanic District shall be and consist of the following wards, as newly numbered by this Act, namely: Seventh, eighth, ninth, twelfth, thirteenth and fifteenth, as said wards were laid out under the provisions of the Act of 1898, aforesaid; that the third Councilmanic District shall be and consist of the following wards, as newly numbered by this Act, namely: Tenth, eleventh, fourteenth, sixteenth, nineteenth and twentieth, as said wards were laid out under the provisions of the Act of 1898, aforesaid; that the fourth Councilmanic District shall be and consist of the

Rearrange-
ment of
Councilman-
ic Districts of
Baltimore.

*NOTE.—Codified as sections §656d to §656i of this Article, *ante*.

following wards, as newly numbered by this Act: Seventeenth, eighteenth, twenty-first, twenty-second, twenty-third and twenty-fourth, as said wards were laid out under the provisions of the Act of 1898, aforesaid.

LICENSES.

Billiards.

1870, ch. 250. P. G. L., (1888) Art. 56, Sec. 8. P. L. L., (1888) Art. 4, Sec. 641.

Cost of
License.

658. A license may be granted to any person who may apply for permission to keep a billiard table, for which license there shall be paid the sum of fifty dollars, and for every additional billiard table kept by the same person, he shall pay a license of twenty-five dollars: *Provided*, that all said additional tables shall be kept in the same apartment; and *provided*, that this section shall not apply to any billiard table kept for private use.

Germania v. State, 7. Md. 1.

1865, ch. 56. P. G. L., (1888) Art. 56, Sec. 9. P. L. L., (1888) Art. 4, Sec. 642.

Penalty for un-
licensed
tables.

659. Any person keeping or exhibiting for use a billiard table, without first obtaining a license therefor, shall for each and every table so kept or exhibited, forfeit and pay the sum of five hundred dollars, one-half to the informer and the other half to the State.

P. G. L., (1860) Art. 56, Sec. 8. P. G. L., (1888) Art. 56, Sec. 10.
P. L. L., (1888) Art. 4, Sec. 643.

City may tax
also.

660. Nothing contained in the two preceding sections shall impair the right of the Mayor and City Council of Baltimore to impose a further tax on billiard tables.

Horse Dealers.

1884, ch. 446. P. L. L., (1888) Art. 4, Sec. 647.

License to be
obtained.

661. It shall not be lawful for any person, co-partnership, firm, corporation, joint stock company, brokers, commission

merchants, agents, factors or other association of persons, to engage in or carry on the business, trade, occupation or calling of bartering, buying, selling, exchanging or dealing in horses, mares, geldings, jackasses, jennies or mules, either as an individual, co-partnership, firm, corporation, joint stock company, commission merchant, agent, factor, broker or other association for said purpose, without first obtaining from the Clerk of the Court of Common Pleas of Baltimore City a license for carrying on said business, for which every such person, if he desires to carry on said business individually, or if a firm or association, composed of not more than two persons, or corporation, shall pay the sum of fifty dollars, *provided*, that all the names and places of business of said persons so applying shall be inserted in said license; and if more than two individuals constitute and compose any such firm, co-partnership, joint stock company or association, then an additional sum of twenty-five dollars shall be paid for each and every other individual than the said two constituting such firm, co-partnership, joint stock company or association, of individuals; and *provided*, further, that the said business shall not be carried on in any of the streets, lanes and alleys of the City of Baltimore.

Cost of
License.

Contents of
License.

Proviso.

1884, ch. 446. P. L. L., (1888) Art. 4, Sec. 648.

662. Any person, and the individual members of any co-partnership or firm, the stockholders of any joint stock company or corporation, and any commission merchant, agent, factor, broker, or the individuals of any other association of persons so engaged in or carrying on the business, trade, occupation or calling of bartering, buying, selling, exchanging or dealing in horses, mares, geldings, jackasses, jennies, or mules, who or which shall violate any of the provisions of the preceding section, shall be liable to indictment therefor, and upon conviction thereof shall be fined one hundred dollars for each and every offense, one-half thereof for the use of the State and the other half thereof to the informer; provided, however, that nothing contained in this or the preceding section shall be construed

Penalty.

Proviso.

to prevent breeders and owners of horses, mares, geldings, jackasses, jennies or mules, and owners residing in the counties of this State and doing business elsewhere than in the City of Baltimore, and all owners who do not follow the business, trade, occupation or calling of buying, vending, bartering, exchanging or dealing in horses, mares, geldings, jackasses, jennies or mules, from offering the same for sale, barter or exchange, or making sale of, bartering or exchanging such horses, mares, geldings, jackasses, jennies or mules, as they shall bring to the City of Baltimore, without a license; and nothing contained in this or the preceding section shall be held to apply to regularly licensed auctioneers in the City of Baltimore.

1884, ch. 446. P. L. L., (1888) Art. 4. Sec. 649.

Dealers
defined.

663. Any person or body corporate, owning or renting from the owner or his agent, any building or enclosure within the corporation limits of Baltimore City, and using the same in buying, selling, trading, exchanging, bartering or dealing in horses, geldings, mares or mules, or using the same in exhibiting or exposing for sale, trade, exchange or barter, horses, geldings, mares or mules, shall be deemed to be engaged in the business, trade, occupation and calling of buying, selling, trading, exchanging, bartering and dealing in horses, geldings, mares and mules, under the two preceding sections, and be held liable for a violation of any of its provisions.

INSTALLATION OF ELECTRICAL APPARATUS AND WIRING.**

1906, ch. 244, Sec. 1.

§663a. The Governor shall, within thirty (30) days after the passage of this Act, appoint a Board which shall

****NOTE.**—Sections §663a to §663q, inclusive, of this codification, embody verbatim, respectively, sections 1 to 17, inclusive, of the Act 1906, ch. 244. The Act takes effect from the date of its passage and repeals inconsistent Acts. The caption assigned to the Act is intended to facilitate reference thereto.

be known as the Board of Examiners and Supervisors, consisting of five (5) persons, for the purpose of examining into the qualifications and capabilities of all persons who are engaged or desire to engage in the business of Master Electricians as defined in Section 5 of this Act. The Board so appointed shall be competent Practical Electricians of Baltimore City and shall be selected as follows; Two (2) from nominations made by the Electrical Contractors Association of Maryland, one (1) from nominations made by the Chief of the Municipal Electrical Inspectors of Baltimore City, One (1) from nominations made by the Association of Fire Underwriters of Baltimore City, and one (1) person residing in Baltimore City, who shall be a practical journeyman electrician who has served at the business for a period of not less than ten years and a majority of said Board shall constitute a quorum to transact the business thereof, the term of office of the members of the first number so appointed shall be as follows, the nominee from the Underwriters Association, one (1) nominee from the Electrical Contractors' Association, two (2) years. The nominee from the Municipal Inspector, one (1) nominee from the Electrical Contractors' Association, and the person at large two (2) years unless removed for cause. Should any vacancy occur from any cause during the term of any Board as herein provided, the Governor shall appoint some one from nominations made as above provided to fill such vacancy. The Governor shall have full power to remove any member of the Board for incompetency or improper conduct upon satisfactory evidence being presented to him of such conditions.

Board of Examiners and Supervisors.

Purposes of Board.

Nominations for membership in Board

Terms of office of members of Board.

Vacancies in Board; how filled.

1906, ch. 244, Sec. 2.

§663b. The members of said Board shall respectively take and subscribe the oath required of the State Officers. They shall have power to elect out of their number, a President, Secretary and Treasurer, to adopt such rules and by-laws for the transaction of business of the Board as they may deem expedient.

Members of Board to take oath of office.

Members to elect Board officers and adopt rules.

1906, ch. 244, Sec. 3.

Compensation of members of Board. §663c. Each member of said Board shall receive a compensation of five dollars (\$5.00) per day for actual service in attending meetings of the Board which compensation shall be paid out of any moneys in the hands of the Treasurer of said Board provided that the Secretary of said Board may receive such additional compensation as the Board may deem just and reasonable and for which the by-laws of the said Board may provide, *provided*, however; that the compensation and expenses of said Board shall in no event, be paid out of the funds in the State Treasury or become a charge against the State.

Additional compensation of Secretary of Board.

Proviso.

1906, ch. 244, Sec. 4.

Meetings of Board. §663d. Said Board shall meet at least once in each month in Baltimore City and shall hold special meetings as frequently as the proper and efficient discharge of its business shall require, and said Board shall adopt such rules and regulations for the examinations of Master Electricians as herein defined and for the placing, installing and operating electrical wires, appliances, apparatus or construction in, upon and about buildings in the said City of Baltimore and when so adopted such rules and regulations shall have the same force and effect as if herein contained and the rules of said Board shall also provide for the giving of timely notice of such meetings to all those who shall have made application for a license as herein provided, and said Board shall give in writing to the Chief of the Municipal Electrical Inspectors of Baltimore City a detailed statement of all the licenses issued, renewed or revoked at any meeting of said Board.

Board to adopt rules for examination of master electricians.

To adopt wiring specifications.

To give notice of board meetings to applicants for licenses.

Statement of licenses issued.

1906, ch. 244, Sec. 5.

"Master Electrician" defined. §663e. The term Master Electrician as used in this Act shall be defined as and including any and all persons, firms and corporations engaged in business of, or holding themselves out to the public as engaged in the business of installing, erecting or repairing, or contracting to install,

erect or repair electric wires or conductors, to be used for the transmission of electric current for electric light, heat or power purposes, or mouldings, ducts, raceways or conduits for the reception or protection of such wires or conductors or to any electrical machinery, apparatus, devices or fixtures to be used for electric light heat or power purposes. A license of "Master Electrician" issued and in accordance with the provisions of this Act, shall entitle any such person, firm or corporation so licensed to engage in the business of and to hold himself or itself out to the public as engaged in the business of installing, erecting and repairing and of contracting to install, erect and repair any electric wires or conductors, etc.

1906, ch. 244, Sec. 6.

§663f. Before any person firm or corporation shall hereafter engage in the business of a Master Electrician in Baltimore City, as defined in this Act, and before any person, firm or corporation now engaged in said business or any class thereof, shall continue in said business of Master Electrician such person, firm or corporation shall apply to said Board for a license, as herein required, whereupon the applicant shall present himself before the said Board at a time and place fixed by said Board. If the Board shall find upon due examination that the applicant presenting himself has a reasonable knowledge of electricity and the natural laws and functions of electric wires, appliances and devices for electric light, heat and power purposes, and is possessed of skill and of knowledge in all matters appertaining to the business of Master Electrician, as defined in Section 5 of this Act, then the said Board, upon payment of the fee and upon executing the bond herein provided for, shall issue to the said person firm or corporation a license as Master Electrician to practice said business for a term of one year; and shall register such person, firm or corporation as duly licensed Master Electrician, provided however no person firm or corporation who shall have been engaged in the electrical contracting business in the City of Baltimore for a period of three (3)

License.

Who must
secure
license.

Examination
of applicants.

Conditions and
term of
license.

To whom license not necessary.	years prior to the passage of this Act, shall be required to take the examination as provided in this section, before the issuance of such license and provided that no license shall be granted to any person under the age of twenty-one (21) years, nor shall any license be granted to any person who has not taken and subscribed an oath that he, or in case of a corporation the one managing the electrical work thereof and in case of a firm, the one managing the electrical work, has had at least three (3) years actual experience as a Master Electrician within the meaning of section 5* of this Act, or as journeyman electrician in such class or classes of electrical business or work, as in the opinion of the Board, shall have properly fitted the applicant for a license as a Master Electrician. Any person whose application for a license shall have been rejected by said Board,
To whom license shall not issue.	shall have the right to appeal to a Board of Arbitration, which shall consist of one person selected by the person making the appeal, one person selected by the Board herein created, and these two to select a third person, and the decision of said Board of Arbitration or a majority of them shall be final and binding upon all the parties to said appeal ;
Appeal from decision of Board.	the members of said Board shall be paid the sum of five dollars (\$5.00) each, which sum shall be deposited with the Board herein created by the person taking said appeal and if the said Board of Arbitration shall affirm the decision of the Board herein created, the money so deposited shall be used to pay said Board, if however such decision be reversed, the said Board of Arbitration shall be paid out of the funds in the hands of the Board herein created, and said deposit of fifteen dollars (\$15.00) shall be returned. Provided further, that each applicant shall pay to the Treasurer of said Board of Electrical Examiners, the sum of twenty-five dollars (\$25.00) for such license and provided further, that every person, firm or corporation before receiving a license shall make, execute and deliver to said Board a good and sufficient bond to be approved by said Board, in the name of the State of Maryland, in the penal sum of one thousand dollars (\$1000.00) the bond to be conditioned upon the faithful performance of any and all
Arbitration of appeals.	
License fee.	
Bond of appli- cant.	

*Codified as Section §663e of this Article.

work entered upon or contracted for by said Master Electrician and to save harmless, the owner, or real party in interest in the property for which any such material is furnished, or services performed against loss, damage and injury which shall arise through want of skill or through the failure to use suitable or proper material in the performance of any work contracted for or undertaken by said Master Electrician, or his or its agents or employees, and an action may be maintained thereon in the name of such owner or real party in interest only, if commenced within one (1) year from and after the date of the installation of the materials furnished or performance of such work or service.

Conditions of bond.

1906, ch. 244, Sec. 7.

§663 g. Each and every license issued under the provisions of this Act shall be evidence in any Court of the City named herein of the business for which the license is issued for a period not to exceed one (1) year from the date thereof, all licenses and renewals of same shall expire on the first day of May in each year.

License as evidence in courts of city.

Period of license.

1906, ch. 244, Sec. 8.

§663h. No person, firm or corporation granted a license under the provisions of this Act shall install or repair Electrical wires, conductors or apparatus for electric light, heat, or power purposes after the expiration of said licenses or after said license shall have been revoked as herein provided, unless the said license or renewal of same shall have been renewed as herein provided. Provided that any person, firm or corporation so granted a license under the provisions of this Act, (unless the said license shall have been revoked as hereinafter provided) shall be granted a renewal of said license without examination of the applicant, provided application is made to the said Board by the holder of such license within the three months preceding the expiration of such license upon payment of a fee of Ten dollars (\$10.00) and the said renewal of said license shall be for a period of one (1) year and any such renewal of such license shall have the same weight as

No work to be done without license.

License to be renewed without re-examination; proviso.

Renewal fee.

evidence in any Court of this State as hereinbefore provided for said original license. Provided also, that one year renewals shall be granted in like manner upon expiration of any renewal of license upon making like application and paying like fee, within three months preceding the expiration of said renewal.

1906, ch. 244, Sec. 9.

Board may
revoke li-
cense for
cause.

§663i. Said Board shall have full power to revoke for proper cause any license or renewal of same after a full hearing of all parties in interest.

1906, ch. 244, Sec. 10.

Vitiating of
bond to in-
validate
license.

§663j. Each license and renewal of same shall be in force and effect only so long as an approved bond filed with the said Board in accordance with the provisions of this Act shall remain in full force and effect, and every such license or renewal of same shall become utterly void and of no effect, should any such bond for any reason whatsoever become inoperative or ineffective regardless of the regular date of expiration of said certificate, license or renewal.

1906, ch. 244, Sec. 11.

License to be
displayed in
conspicuous
place.

§663k. Any and all persons granted a license or renewal of same shall display the same in a conspicuous place in the office or place of business of such licensee.

1906, ch. 244, Sec. 12.

Supervision
only of Mas-
ter Electrician
required

§663l. Nothing in this Act shall be construed to prevent any person from doing or performing any of the kinds of work enumerated in section 5* of this Act provided that such work is performed under the direction and supervision of a duly licensed Master Electrician, but no such work other than minor electric repairs for the maintenance of established plants shall be performed excepting

*Codified as section §663e of this Article.

under such direction and supervision of a duly licensed Master Electrician and the said licensed electrician shall be responsible for any and all work so done under his direction and supervision.

1906, ch. 244, Sec. 13.

§663m. Any person, firm or corporation who shall practice or engage or continue in the work of a Master Electrician without having complied with all the provisions of this Act and any person not licensed as Master Electrician who shall do or perform any such work except under the direction of a Master Electrician, and any person having been licensed as a Master Electrician and who shall fail to renew his license as herein provided, and shall do or perform any such work, or who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or to an imprisonment not exceeding ninety (90) days or both in the discretion of the Court, and any such conviction shall *ipso facto* revoke and annul any license that may have been issued to such person.

Misdemeanor to practice or work without license.

Penalty.

1906, ch. 244, Sec. 14.

§663n. No license or renewal of same granted or issued under the provisions of this Act shall be assignable or transferable and every such license and renewal of same shall specify the name of the person, firm or corporation to whom it is issued and in the case of a firm the member of said firm, and in the case of a corporation, the principal officer or the designated representative of said corporation through whom the application for the said license was made.

Licenses not assignable.

1906, ch. 244, Sec. 15.

§663o. All fees collected under the provisions of this Act shall be for the use of said Board to defray its necessary expenses.

Disposition of fees.

1906, ch. 244, Sec. 16.

Annual report
of Board to
Governor of
State.

§663p. It shall be the duty of the said Board before the first Monday of May of each year to make a report in writing to the Governor of the State containing a detailed statement of the nature of the receipts and manner of expenditure, and any balance of money remaining at the end of the year, after payment of expenses shall be reserved by the treasurer of said Board to meet the expenses for the ensuing year.

1906, ch. 244, Sec. 17.

Exceptions in
application
of provisions
of Act.

§663q. The provisions of this Act shall not apply to journeymen electricians or apprentices while such journeymen or apprentices shall be practicing their trade of journeyman electrician or apprentice nor to any electric light company, electric railway company, steam railway company, telegraph or telephone company doing such work in its own buildings upon its own plants.

Liquor and Intoxicating Drinks.

SALE FORBIDDEN IN CERTAIN PLACES.

1882, ch. 107. P. L. L., (1888) Art. 4, Sec. 651.

Mount Vernon
Factories.

664. It shall not be lawful for the Clerk of the Court of Common Pleas to issue license to any person to sell spirituous or fermented liquors or lager beer at Mt. Vernon factories, or at any place within three-fourths of a mile thereof, or on Madison Avenue extended.**

1864, ch. 206. P. L. L., (1888) Art. 4, Sec. 652.

Woodberry
Factory.

665. It shall not be lawful for the Clerk of the Court of Common Pleas to issue a license to any person to sell spirituous or fermented liquors or lager beer at Woodberry factory, or at any place nearer thereto than three-fourths of a mile in every direction.

**NOTE.—As to power of Legislature to restrict sale of spirituous or fermented liquors in certain districts, *see*,

Parker *v.* State, 99 Md. 189.

1888, ch. 56. 1888, ch. 98, Sec. 11. P. L. L., (1888) Art. 4, Sec. 653.

666. It shall not be lawful for the Clerk of the Court of Common Pleas to issue license to any person to sell spirituous or fermented liquors or lager beer in any part of the following district, to wit: In all that part of Baltimore City bounded on the east by Mount Royal terrace, on the south by North or Boundary avenue, on the west by Druid Hill avenue extended, and on the north by Druid Hill Park.

Mount Royal
Terrace.

1902, ch. 228. 1906, ch. 298.

§666a. It shall not be lawful for the Clerk of the Court of Common Pleas of Baltimore City to issue licenses to any person or persons or body corporate to sell spirituous or fermented liquors or lager beer nearer than three-fourths of a mile in all directions, from Walbrook public school, formerly known as annex school No. 15, in the City of Baltimore.

No license to
issue for sales
in vicinity of
Walbrook
Public
School.

1904, ch. 600.

§666b. It shall not be lawful for the Clerk of the Court of Common Pleas of Baltimore City, to issue license to any person or persons or body corporate, to sell spirituous or fermented liquors or lager beer in any part of the following district, to wit: In all parts of Baltimore City lying or being within the following lines or limits: Beginning at the southwest corner of Oak street and Twenty-first street, and running thence north and bounding on the west side of Oak street to the northwest corner of Oak and Twenty-fourth streets, thence running east and bounding on the north side of Twenty-fourth street to the northeast corner of Twenty-fourth street and Guilford avenue, thence running south and bounding on the east side of Guilford avenue to the southeast corner of Guilford Avenue and Twenty-first street, and thence running west and bounding on the south side of Twenty-first street, to the place of beginning.

Same, in terri-
tory bounded
by Oak,
Twenty-
fourth st.,
Guilford ave.
and Twenty-
first st.

1904, ch. 626.

Preventing
sale of liquor
in vicinity of
Edmondson
Avenue and
15th Street.

Boundaries.

§666c. It shall not be lawful for the Clerk of the Court of Common Pleas of Baltimore City to issue to any person or persons, company, association or body corporate a license to sell any fermented or spirituous liquors or lager beer in any part of the following district, to wit: In all that part of Baltimore City beginning for the same at the intersection of the western line of Baltimore City and the south side of Edmondson Avenue, and thence running easterly along the south side of Edmondson Avenue to the westernmost side of Fifteenth Street; thence binding on the westernmost side of Fifteenth Street southerly to its intersection with the southwesternmost side of Dorsey's lane: thence southeasterly binding on the southwesternmost side of Dorsey's Lane to its intersection with the northwesternmost side of Kossuth Street; thence southwesterly along the northwesternmost side of Kossuth Street to its intersection with the southernmost side of Old Frederick Road; thence southeasterly along the south side of Old Frederick Road to the westernmost boundary of the lot now improved by the Public School No. 66; thence southerly and binding for a part thereof on the westernmost boundary of said lot in a direct line to the southernmost side of Frederick Road; thence southeasterly along the southernmost side of the Frederick road to the easternmost boundary of the United States National Cemetery; thence southerly and binding for a part thereof on the easternmost boundary of said cemetery to the southwesternmost side of the tracks of the Baltimore and Potomac Railroad; thence southwesterly along the line of said tracks to the intersection of the same with the southern boundary line of Baltimore City; thence westerly along said line to the western boundary line of said city; thence north binding on said last mentioned line to the place of beginning.

1906, ch. 279.

Prohibiting
sale of liquor
north of
Druid Hill
Park.

§666d. It shall not be lawful for the Clerk of the Court of Common Pleas of Baltimore City, to issue license to any person or persons, or body corporate, to sell spirituous or

fermented liquors or lager beer, in any part of the following district, to wit: in all parts of Baltimore City lying or being within the following lines or limits: Beginning at the southeast corner of the intersection of the Western Maryland Railroad and the northern boundary of the city line, and running thence easterly bounding on the said City line to the western line of the Northern Central Railroad; thence southerly bounding on the western line of the Northern Central Railroad, to a point where the northern boundary of Druid Hill Park would intersect if continued east to said point of intersection; thence westerly bounding on the north side of Druid Hill Park and continuing the same course until the said line shall intersect the eastern side of the Western Maryland Railroad, thence northerly: bounding on the east side of the Western Maryland Railroad to the place of beginning.

1906, ch. 780.

§666e. It shall not be lawful for the Liquor License Commissioners, or the Clerk of the Court of Common Pleas to issue licenses to any persons to sell spirituous, fermented liquors or lager beer in any part of the following districts; In all that part of Baltimore City bounded: Beginning at a point where Twenty-eighth Street extended westwardly would touch Jones' Falls, and running from this point eastwardly along the center line of Twenty-eighth Street as laid out, and extending said center line eastwardly to the center line of Calvert Street, and thence northerly along the center line of Calvert Street, and continuing said center line northerly to a point three hundred feet north of Merryman's Lane and thence running parallel with Merryman's Lane and three hundred feet northerly from said Lane to the line of Cedar Avenue extended, thence westwardly on the South side of Cedar Avenue to Jones' Falls, and thence southerly along Jones' Falls to the point of beginning.

No license to issue for sales in territory bounded by 28th street, Calvert street, north of Merryman's Lane and Jones' Falls.

1890, ch. 343. P. L. L., (1888) Art. 4, Sec. 653A. 1894, ch. 86.

667. No person shall offer for sale or keep for sale in the City of Baltimore any intoxicating liquors, except as

Sales regulated.

hereinafter provided; but this shall not apply to sales made by a person under a provision of law requiring him to sell personal property, nor to sales of liquors, by wholesale, nor to sales by the maker, brewer or distiller thereof, nor to sales by bottlers of fermented liquors, nor to be drunk on the premises; save and except as hereinafter specially provided in reference to wholesale dealers and jobbers, brewers, distillers and bottlers, in section 688, wherein the rights and duties of said classes, of persons are set forth and defined. Wherever the term intoxicating liquors is used in this sub-division of this Article, it shall be deemed to include whiskey, brandy, rum, gin, wine, ale, beer and all other fermented and distilled liquors, every mixture of liquors which shall contain more than two per cent. by weight of alcohol, and every mixture of liquors which shall contain less than two per cent. of alcohol if the same shall be intoxicating. Nothing in this sub-division of this Article shall be construed to authorize the sale of any intoxicating liquor or any admixture thereof in any part of said City where such sale is or shall hereafter be prohibited by special law.

Intoxicants
defined.

State *v.* Stiefel, 74 Md. 546. Trageser *v.* Gray, 73 Md. 251.

1890, ch. 343. 1892, ch. 13. P. L. L., (1888) Art. 4, Sec. 653B.

668. The Governor, by and with the advice and consent of the Senate, shall appoint three persons who shall constitute a Board of Liquor License Commissioners for Baltimore City, who shall hold office for two years, and until their successors are appointed and qualified; and their duties shall be such as hereinafter described; *provided*, however, that the Liquor License Commissioners appointed in April, eighteen hundred and ninety, shall continue in office until the expiration of the term for which they were appointed.

Board of
Liquor
License
Commission-
ers.

Trageser *v.* Gray, 73 Md. 251.

1890, ch. 343. 1900, ch. 704. P. L. L., (1888) Art. 4, Sec. 653C.

P. L. L., (1898) Art. 4, Sec. 669

669. Said Board shall appoint such clerk or clerks and counsel as a proper transaction of the business of the

Clerks to the
Board.

Board shall require; and shall keep a full record of all applications for license, of all recommendations for and remonstrances against the granting of licenses and their actions thereon; and the vote of the members of said Board, by yeas and nays, shall be taken on the question of granting or refusing every application for license, and said records of said Board shall at all suitable times be open to the inspection of the public; all necessary books and stationery shall be furnished by the Mayor and City Council of Baltimore, and all salaries and expenses incident to the business of the Board shall be paid by said Mayor and City Council of Baltimore.

Records of proceedings of Board.

1890, ch. 343. 1892, ch. 704. 1900, ch. 704. P. L. L., (1888) Art. 4, Sec. 653D. P. L. L., (1898) Art. 4, Sec. 670.

670. The said Board shall fix the salaries of all clerks and counsel appointed by them for the performance of the duties imposed by this sub-division of this Article; and member of said Board shall each receive a salary of two thousand dollars annually, to be paid as the salaries of the officers of the City of Baltimore are paid.

Salaries of Commissioners and their clerks.

1890 ch. 343. 1894, ch. 86. P. L. L., (1888) Art. 4, Sec. 653E.

671. No licenses to sell intoxicating liquors, other than by wholesale traders, distillers, brewers, rectifiers, and bottlers of fermented liquors, shall be granted in the City of Baltimore except by said Board, and only to citizens of the United States of temperate habits and good moral character, who have complied with requisites of this sub-division of this Article.

Licenses; to whom granted.

1890, ch. 343. 1894, ch. 86. P. L. L., (1888) Art. 4, Sec. 653F.

672. All licenses to sell spirituous or fermented liquors shall expire on the first day of May next ensuing the date of their issue, and shall be issued for twelve or six months only, and for no other periods of time; all twelve months' licenses shall be granted to begin only from the first day of May in the year of their issue, and all six months'

Duration of licenses.

licenses shall be granted to begin only from the first day of November, and from no other time, in the year of their issue ; and all applications shall be filed before the first day of May or the first day of November, respectively; *provided*, however, that for the twelve months' licenses two hundred and fifty dollars shall be paid, and for the six months' licenses one hundred and twenty-five dollars shall be paid ; and provided further, that nothing in this section shall be construed to affect the transfer of licenses as now provided in this law.

1890, ch. 343. 1900, ch. 442. P. L. L., (1888) Art. 4, Sec. 653G.

Petition for
license shall
be published.

673. Every person applying for a license to sell intoxicating liquors in said city shall file with the said Board his, her or their petition for such license, and the Board shall cause notification of such petition to be published three times in three newspapers of general circulation in said city (one of which shall be printed in the German language), to be designated by said Board, the first publication to be not less than fifteen nor more than thirty days before the time fixed by the board for action on said petition.

1890, ch. 343. P. L. L., (1888) Art. 4, Sec. 653H. 1906, ch. 278.

What petition
shall contain.

674. Said petition shall contain the name and residence of the applicant and how long he has resided there ; (2) the particular place for which a license is desired, designating the same by street and number, if practicable, and if not, by such other apt description as definitely locates it ; (3) the kind of license desired, whether a saloon license, hotel license, club license or retail grocers license ; (4) the name of the owner of the premises upon which the business licensed, is to be carried on ; (5) a statement that the applicant is a citizen of the United States, and that it is necessary for the accommodation of the public, that the place should be licensed ; (6) that the applicants have not, nor has any of them, had a license for the sale of intoxicating liquors in this State, revoked, nor has

been convicted of any crime, within one year preceding the filing of said petition ; (7) that he or she will not knowingly sell, or allow to be sold in the said house or on the said premises any such liquors on Sunday or on election days, or to minors at any time, or allow a minor to drink in said house or on said premises ; that he or she will not keep or permit to be kept a bawdy house in the said house or on the said premises, or the gathering together or the visitation to said house or premises of women for lewd or immoral purposes ; (8) this petition must be verified by the affidavit of the petitioner, made before a Justice of the Peace ; if any false statement is made in any part of said petition, the petitioner or petitioners shall be deemed guilty of perjury, and upon indictment and conviction thereof, his license shall be revoked and he shall be subject to the penalties provided by law for that crime.**

Affidavit of
petitioners.

1890, ch. 343. P. L. L., (1888) Art. 4, Sec. 653I.

675. There shall be annexed to this petition a certificate signed by at least ten respectable qualified voters residing or doing business in the ward in which the petitioner asks to do business, stating the residence or place of business of each person, certifying and setting forth that they have been acquainted with the petitioner or petitioners for (specifying the length of such acquaintance), that they have good reason to believe that all the statements contained in the petition are true, and they, therefore, pray that the prayer of said petition be granted, and the license issued as prayed for.

Certificate of
voters.

1890, ch. 343. P. L. L., (1888) Art. 4, Sec. 653J.

676. The said Board shall publicly hear petitions from residents of the ward or persons living or doing business in the vicinity of the place for which license is

Petitions and
remonstrances.

****NOTE.**—*Ordinary, License for.* The oath prescribed by Sec. 68, Art. 56, Public General Laws of Maryland, must be administered before a license can be validly issued for an ordinary, notwithstanding the practice in vogue in Baltimore City. *Blackburn v. Livingstone*, Daily Record, Jan. 15, 1900. Note provisions of section 689 of this Article.

Revocation.

prayed, in addition to that of the petitioner, in favor of, and remonstrance against the granting of said license; and in all cases shall refuse the same, whenever, in the opinion of the said Board such license is not necessary for the accommodation of the public, or the petitioner or petitioners is or are not fit persons to whom such license should be granted; and if sufficient cause shall at any time be shown, or proof be made to the said board, that the party licensed was guilty of any fraud in procuring such license, or has violated any law of the State relating to the sales of intoxicating liquor, the said board shall, after giving notice to the person so licensed, revoke said license; and the Criminal Court of the City may in like manner revoke said license if the party should be convicted before it of any such violation.**

Trageser v. Gray, 73 Md. 253.

1890, ch. 343. P. L. L., (1888) Art. 4, Sec. 653K.

Prepayment.
of license
fees.

677. No license shall be issued to any person or persons until he, she or they shall have paid the license fees provided for in this sub-division of this Article.

1894, ch. 86. 1900, ch. 278. P. L. L., (1888) Art. 4, Sec. 653L.
1906, ch. 278.

Conditions
under which
Board issues
licenses.

678. If after the notice and hearing provided for in this sub-division of this Article, the said Board shall decide to grant the license prayed for, they shall notify the applicant of such decision in writing, and if the applicant shall within thirty days from the date when such license granted is to become effective, produce to the Clerk of the Court of Common Pleas the said notification, and pay said Clerk the sum of money herein specified, the said Clerk shall thereupon issue to him the license granted to him by the said Board; but every grant of a twelve months'

**NOTE.—*Liquor License Commissioners.* As to powers of Liquor License Commissioners of Baltimore City to revoke a license on sufficient cause, and the extent of the Board's discretionary powers, in relation thereto, see, Childs v. White, Daily Record, December 16, 1890.

license upon which no license has been actually taken out and paid for prior to the first day of June, in the year of its issue, and every grant of a six months' license upon which no license has been actually taken out and paid for prior to the first day of December, in the year of its issue, shall be, after the said first day of June or December respectively, null and void, and no license shall be issued thereupon.

For a saloon or restaurant in which distilled liquors or any admixture of distilled liquors containing more than fifteen per centum of alcohol, or fermented liquors containing less than fifteen per centum of alcohol may be sold by retail by the drink or in quantities or packages not exceeding five gallons of any spirituous or fermented liquors except lager beer and not exceeding one keg of eight gallons or less of lager beer to be drunk on the premises or not, as desired by the purchaser, the sum of two hundred and fifty dollars, shall be paid for a twelve months' license ; and the sum of one hundred and twenty-five dollars shall be paid for a six months' license.

Saloon license.

Rates of charge.

Hotel license.

For a hotel license the same amount shall be paid.

For a club license the same amount shall be paid.

Club license.

For a retail grocers, license the same amount shall be paid, *provided*, however, that none but a *bona fide* retail grocer who shall make application to said board therefor, shall receive a retail grocer's license, and no such retail grocer's license shall be given to any one except on complying with the conditions of this Act, and such license shall only entitle such licenses to sell wines, spirituous or fermented liquors as aforesaid, in quantities or packages of not less than one pint, but in no case to be drunk on the premises. In no case shall a license to sell intoxicating liquors by the drink be granted to any person who shall obtain a license to sell goods, wares or merchandise, other than intoxicating upon the said premises where such intoxicating liquors are licensed to be sold, but licensed saloon-keepers may also sell tobacco and non-alcoholic beverages ; *provided* further that no retail license shall be issued to any distiller or brewer.

Retail grocers' licenses.

Conditions governing issue of retail grocers' and other liquor licenses.

1890, ch. 343. P. L. L., (1888) Art. 4, Sec. 653M.

Payments to
State and
City, of
moneys from
licenses.

679. The whole of the money received by the Clerk of the Court of Common Pleas for the licenses aforesaid, shall be paid over quarterly by said Clerk of the Court of Common Pleas to the State as now provided by law, and when so paid over, the Comptroller of the Treasury shall draw his warrant upon the Treasurer in favor of the Mayor and City Council of Baltimore for three-fourths thereof, to be applied to the general use of said City.

1890, ch. 343. P. L. L., (1888) Art. 4, Sec. 653N.

License to be
displayed
in frame un-
der glass.

680. Every person receiving a license under this sub-division of this Article shall frame his license under a glass, and place the same so that it shall at all times be conspicuous and easily read, in his chief place of making his sales, and no license issued under this sub-division of this Article shall authorize sales by any person who shall neglect this requirement.

1890, ch. 343. P. L. L., (1888) Art. 4, Sec. 653O.

To whom li-
censee may
not sell.

681. No licensee under the provisions of this sub-division of this Article shall sell or furnish any intoxicating liquors at any time to a minor, either for his or her own use, or for the use of any other person, or to a drunkard, or to any person whose parent, guardian, husband, wife or child shall have given to such licensee a notice in writing, verified by affidavit, that such person is of intemperate habits, and requesting such licensee not to sell to him or her, or to a person visibly affected by intoxicating drinks.

Peterson v. State, 83 Md. 194.

1890, ch. 343. 1894, ch. 257. P. L. L., (1888) Art. 4, Sec. 653P.

When sales
shall not be
made.

682. No licensee under this sub-division of this Article shall sell or furnish to any person intoxicating liquors on any days upon which elections are now or hereafter may be required by law to be held; nor on the Lord's Day, commonly called Sunday, except that if the licensee is a

hotel keeper he may supply such liquors, to be drunk in their rooms or with their meals, to *bona fide* guests; nor between the hours of twelve o'clock midnight and five o'clock A. M. at any time; nor, except in hotels, shall conduct his business in any place to which an entrance shall be allowed other than directly from a public traveled way; *provided*, however, that any licensed dealer may, with the permission of the Board of Police Commissioners at any *bona fide* entertainment of any society, club or corporation, sell intoxicating liquors between such hours as the Board aforesaid may designate in said permit.**

Kieffer v. State. 87 Md. 562.

1890, ch. 343. P. L. L., (1888) Art. 4, Sec. 653Q.

683. Druggists and apothecaries shall not be required to obtain license under the provisions of this sub-division of this Article, but they shall not sell intoxicating liquors nor compound or mix any composition thereof, except upon the written prescription of a regular physician; nor more than once on any one prescription of the physician; and every druggist or apothecary shall keep a book for the special purpose and enter therein the date of every sale of intoxicating liquor made by him, the person to whom sold, the kind, quantity and price thereof, and the purpose for which it was sold, and such book shall be at all times open to the said Board, or of any person designated and authorized by them to make such inspection, and shall be produced before such Board when required; and any failure to comply with the provisions of this section shall render such druggist or apothecary so failing, liable to the same penalties as if he had sold intoxicating liquors without a license.

1890, ch. 343. P. L. L., (1888) Art. 4, Sec. 653R.

684. Any person who shall hereafter be convicted of selling intoxicating liquors, or any admixture thereof, in the City of Baltimore, without a license under the

Selling without
license.
Penalty.

**NOTE.—In connection with provisions of section 682, *see*, McCracken v. State, 71 Md. 154 and Parker v. State, 99 Md. 189.

provisions of this sub-division of this Article, shall be sentenced to pay a fine of not less than five hundred dollars nor more than five thousand dollars, or undergo imprisonment in the jail of said City, or in the House of Correction of not less than three months, nor more than twelve months, or to both fine and imprisonment, at the discretion of the Court.

1890, ch. 343. P. L. L., (1888) Art. 4, Sec. 653S.

Violation of
License.

Penalty.

685. Any person having a license under the provisions of this sub-division of this Article who shall hereafter be convicted of violating any or the provisions of this sub-division of this Article or of the conditions of his license, shall be subject to a fine of not less than one hundred or more than five hundred dollars; and for any second offence, whereof he shall be convicted, his license shall be vacated and revoked, and he shall be subject to a fine of not less than five hundred nor more than one thousand dollars, or to imprisonment in the jail or the House of Correction for not less than three months, nor more than twelve months, or to both fine and imprisonment at the discretion of the Court. The license of any person who permits minors to frequent or loiter about his place, or disreputable or disorderly persons to make it a customary place of visitation or resort, may be at any time, upon proof, revoked by the Criminal Court of Baltimore City, or by said Board, the same person shall not again be licensed within two years of the time of such revocation. Nothing in this sub-division of this Article shall be construed to repeal or modify any of the provisions contained in, or the penalties imposed by any law of this State forbidding or restricting the sale of intoxicating liquors on a day on which elections are held.

1890, ch. 343. P. L. L., (1888) Art. 4. Sec. 653T.

686. Upon complaint or allegation by any qualified voter of Baltimore City who shall give security for the cost of prosecution, that any license has been corruptly or knowingly issued by said Board to any person who has not

complied with the provisions of this sub-division of this Article, it shall be the duty of the State's Attorney to file in the Criminal Court of Baltimore City an information against said board and against said licensee, and if it shall be found that such license was improperly issued, said license shall be revoked, and the members of said Board who voted in favor of issuing said license shall in addition to the other penalties for malfeasance in office be removed from said office. When revoked.

1892, ch. 641. P. L. L., (1888) Art. 4, Sec. 653U.

687. For the purpose of all hearings and inquiries which the Board of Liquor License Commissioners are authorized to have and make, they are hereby authorized to issue summons for witnesses and administer to them oaths or affirmations, and all summons so issued shall be served by the police force of the City of Baltimore. If any witness so summoned shall refuse or neglect to attend, or attending, refuse to testify, the said Board shall report the facts to the Superior Court of Baltimore City, which is hereby authorized and directed to proceed by attachment against said witnesses in all respects as if said neglect or refusal had been by witnesses summoned to appear in said court in cases pending before it. Summoning witnesses.

1894, ch. 86. P. L. L., (1888) Art. 4, Sec. 653V. 1906, ch. 278.

688. Distillers, brewers and wholesale dealers or jobbers, shall be allowed to sell spirituous liquors in quantities of not less than one pint each, and fermented liquors in packages of not less than two dozen pint bottles or twelve quarts each, but in no case to be drunk on the premises; distillers and brewers shall require no license; wholesale dealers and jobbers shall be entitled to receive a license as such, to sell as above stated and not otherwise, upon applying directly to the Clerk of the Court of Common Pleas and paying to him the sum of two hundred and fifty dollars a year therefor; but any person, co-partnership or corporation (other than brewers, who as hereinbefore stated require no license) may be licensed to conduct Distillers and brewers.
Wholesalers, jobbers and bottlers.

a bottling business by selling fermented liquors only, and in quantities or packages not less than twelve pint bottles, by applying direct to the Clerk of the Court of Common Pleas and paying him the sum of forty dollars a year therefor; any person required by this section to take out a license who shall sell or offer for sale any intoxicating liquors without having first procured such license and any person who shall violate any of the provisions of this section as to the manner or quantity in which he shall sell or offer for sale such liquors, whether he shall be required to take out a license or not, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than two hundred and fifty dollars, nor more than five hundred dollars in the discretion of the Court; no license under this section shall be issued for a longer period than one year; if issued for a shorter period; the licensee shall pay for every month for which his license is to run one twelfth of the annual charge for such license, and all such licenses shall expire on the first day of May succeeding their issue; the whole of the money received by the Clerk of the Court of Common Pleas for the licenses aforesaid shall be paid over quarterly by said Clerk of the Court of Common Pleas, to the State as now provided by law, and when so paid over the Comptroller of the Treasury shall draw his warrant upon the Treasurer, in favor of the Mayor and City Council of Baltimore for three fourths thereof, to be applied to the general use of said City.

Licenses; fees.

Expiration of license.

Disposition of fees collected.

1894, ch. 86. P. L. L., (1888) Art. 4, Sec. 653W. 1906, ch. 278.

689. No person shall receive a "hotel license," allowing the sale of intoxicating liquors at a hotel or ordinary, unless he shall present to the Clerk of the Court of Common Pleas a notification, as provided for in section 678 of this Article, wherein the decision of the Board of Liquor License Commissioners to grant a "hotel license," to the applicant, is plainly expressed nor until such applicant, in addition to paying the sum prescribed in this sub-

Hotel keepers.

division of this Article, shall have also paid for and received a license to keep a hotel or ordinary, as now provided by law. **

1894, ch. 86. 1900, ch. 278. P. L. L., (1888) Art. 4, Sec. 653X.

690. Any holder of a license to sell intoxicating liquors at retail, by the drink or otherwise, may be permitted by said Board, in their discretion, to sell or assign said license to another person, to be used at the same or another place of business; or to transfer his said license to another place of business: *provided*, that the fitness and propriety of said intended purchaser or assignee, and of said intended new place of business shall be first approved by said Board upon due application therefor, recommendation by qualified voters, advertisement of same in newspapers, etc., as required in case of an original application for such license. Such sale or assignment or transfer when granted by said Board shall be endorsed upon the license by the Clerk of the Court of Common Pleas, who shall be entitled to receive a fee of fifty cents therefor, and the same shall then take effect. And whenever the said Board may be satisfied that any license has been lost or destroyed or that any licensee has transferred or assigned his license to another person, and the said transfer or assignment has been duly approved by the Board, in the manner above provided for, and the original licensee withholds said license from the person or persons to whom he has assigned or transferred the same, and refuses to deliver or surrender said license, the said Board shall have the power to revoke and cancel said original license and to issue a duplicate license in lieu thereof to such transferee upon the payment of the aforesaid fee of fifty cents, without any additional license fee. And if any license shall be in course of transfer for the same place of business, the Board shall have the power in its discretion to issue a permit to the owner or transferee of such license to conduct business thereunder until a duplicate license can be issued or said transfer duly

License may
be assigned
by holder.

Duplicate
license.

**NOTE.—As to license for ordinary, see, note to section 674, *ante*, and *Blackburn v. Livingstone*, Daily Record, Jan. 15, 1900.

effected. And the Clerk of the Court of Common Pleas shall endorse upon such duplicate license the word "Duplicate," together with the names of the original licensee, as well as that of the transferree to whom such duplicate is granted. And in the settlement of his accounts with the Comptroller and Treasurer of the State of Maryland, the said Clerk of the Court of Common Pleas shall be allowed for such duplicate license.

1894, ch. 257. P. L. L., (1888) Art. 4, Sec. 653PL.

Special
permits.

691. Every licensed dealer to whom the Board of Police Commissioners for the City of Baltimore shall issue a permit to sell intoxicating liquors at places of entertainment, as authorized by section 682 of this Article shall pay the said Board of Police Commissioners one dollar for said permit, the money so paid to go into the special fund of said Board.

Pawnbrokers.

1888, ch. 104. P. L. L., (1888) Art. 4, Sec. 655.

Accurate
accounts re-
quired.

692. All pawnbrokers in the City of Baltimore shall keep or caused to be kept, in a suitable book or books to be provided by them for that purpose, an accurate account showing the date of each deposit made with them in the course of their business, and of each purchase made by them in the course of their business, of any and all personal property, so described as to identify the said personal property so deposited or sold; and showing also the sum of money advanced thereon or paid therefor, the time for which any such deposit was agreed to be kept, and the name of the depositor or seller of such personal property, and his place of business or abode; and such entries shall be made by such pawnbrokers immediately upon the making of any such transaction; such book, and the personal properties so deposited or purchased, shall be subject at all times to the inspection of such agent or officer as may be designated for that purpose by the Mayor and City Council of Baltimore, and also to the inspection of the Marshal of

Police for the City of Baltimore, and of such officer as he may designate for that purpose; and all pawnbrokers who shall omit, neglect or refuse to provide and keep such book, or to enter therein forthwith as aforesaid an account of all deposits made with and purchases made by them, as aforesaid, with all the particulars thereof, as hereinbefore required, or who shall enter incorrectly in such book any such account of deposits made with them, or purchases made by them, as aforesaid, or who shall refuse to exhibit any of such books and properties so deposited or purchased, if in their possession or under their control upon demand of any of the officers empowered or authorized as aforesaid to make such inspection, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty dollars, or an imprisonment ^{Penalty.} of not less than thirty days, or to both fine and imprisonment in the discretion of the court.

1880, ch. 104. P. L. L., (1888) Art. 4, Sec. 656.

693. Before any person or body corporate shall transact the business of pawnbrokers in the City of Baltimore, he or it shall first obtain from the Clerk of the Court of Common Pleas in said City, a State's license authorizing ^{License.} him or it to carry on such business in the said City, for which said license he or it shall pay the sum of five hundred dollars, and in addition to this, he or it shall file with said clerk a bond to the State of Maryland, in the sum of ten ^{Bond.} thousand dollars, to be approved by said clerk, for the faithful performance of the requirements of this subdivision of this Article; and any pawnbroker who shall violate this section by failure to file such bond, or to obtain the license as aforesaid, though continuing to transact the business of a pawnbroker, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined the sum of five hundred dollars, or be imprisoned in the ^{Penalty.} City Jail for the term of six months, or both, in the discretion of the court,

Merchandise Brokers.

1892, ch. 561. P. L. L., (1888) Art. 4, Sec. 657A. P. G. L., (1888) Art. 56, Sec. 18.

License
charge.

694. Any person or partnership applying for the same, and paying the sum of eighteen dollars and seventy-five cents for each individual or representative of such firm or partnership, may obtain a license for carrying on the business of grain broker, coffee broker, cotton broker, sugar broker, or merchandise broker.

Real Estate Brokers.

1888, ch. 495. P. L. L., (1888) Art. 4, Sec. 658.

License.

695. Any person, co-partnership or firm applying for the same, and paying the sum of money herein provided, may obtain a license for carrying on the business of real estate broker in the City of Baltimore; provided, that the names of each and every person comprising any co-partnership or firm applying for such license shall be inserted in said license; *provided*, that the sum of money to be paid therefor as aforesaid shall be twenty-five dollars for the first two names inserted in said license, and twenty-five dollars additional for each and every name above two inserted therein.**

Cost.

****NOTE.**—*In regard to the construction of sections 695 to 700, inclusive, of the Charter, see, Walker v. Baldwin and Frick et al. decided March 27, 1906, and reported in Daily Record, April 27, 1906, in which the Court of Appeals upheld the validity of a contract for commissions made by an unlicensed real estate broker on the ground that the license required to be obtained under the provisions of the Charter is a revenue measure, and failure to obtain same does not invalidate the contract but exposes such unlicensed broker to the penalty provided by the Act. This affirms decision in re Coates v. Locust Point Company, decided at the January, 1906 term of the Court of Appeals, 102 Md. 291.*

Real Estate Brokers.—For decisions in relation to powers of such agents to act for principal in certain cases, *see, Newcomer v. Brooks, Daily Record, October 24, 1901. Becker v. Matthai, Daily Record, January 3, 1902. Crenshaw v. Baltimore Chrome Works, Daily Record, August 31, 1903.*

The Proceeds of Property in excess of specific selling price authorized, belong to the owner of the property and not to the broker, notwithstanding usage to the contrary.—*Newcomer v. Brooks, supra.*

1888, ch. 495. P. L. L., (1888) Art. 4, Sec. 659.

696. Any person, co-partnership or firm who shall carry on the business of real estate broker, or shall undertake to act as such real estate broker by public advertisement, sign or otherwise, without such license first obtained, or who shall use or attempt to use the license of another with intent to evade the provisions of sections 695 to 699 of this Article, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to and pay a fine or Persons acting as, without license. penalty of not less than two hundred dollars nor more than five hundred dollars for each offence; one-half thereof for the use of the State, and the other half thereof to the person or corporation that shall first prefer before the Grand Jury the charge against such offender; and any person, co-partnership or firm who shall directly or indirectly act as a real estate broker, or shall undertake the buying or selling of ground rents or other real estate, or of chattels real, or the leasing of real estate or chattels real, or the negotiation or sale of mortgage loans on real estate or chattels real, or the collection of rents for others, with a view to reward or compensation for such undertaking, shall be deemed to be carrying on the business of real estate broker within the meaning of said sections, and be subject to the fines or penalties herein prescribed. Penalty.

Leonard v. Coates, 102 Md. 291.

1888, ch. 495. P. L. L., (1888) Art. 4, Sec. 660.

697. If any person who has obtained such license shall die or shall move from and cease to use and exercise the business of real estate broker in the City of Baltimore, before the expiration of the term in said license specified, the benefit of said license for the unexpired term shall issue to and be continued in his legal representative or assignee, upon application to the proper clerk for that purpose, accompanied by the oath by the party applying, made before a judge of a court of record and endorsed on said license, that the person to whom said license was originally granted is deceased, or has removed from and ceased to use or exercise the said business in the said City. Death, removal or cesser of License.

1888, ch. 495. P. L. L., (1888) Art 4, Sec. 661.

Transfer of
license.

698. Upon said application and affidavit the clerk shall, by his endorsement on said license, authorize such legal representative or assignee to use or exercise the business of such real estate broker in said City for the unexpired term in said license named.

1888, ch. 495. P. L. L., (1888) Art. 4, Sec. 662.

Separate li-
cense for
each office.

699. No person, co-partnership, association or firm, legal representative or assignee, shall use or occupy at the same time more than one office or place of business for the transaction of his or their business as such real estate broker, in said City, unless a separate license be procured for each and every such office or place of business, or for each and every branch office where the business of said person, co-partnership, association or firm as such real estate broker in said City is carried on or located; and any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to the same fine and penalties as are imposed by the provisions of section 696 of this Article; but nothing herein shall be so construed as to prevent any such person, co-partnership, association or firm, legal representative or assignee, from holding at the same time with the license as real estate broker in said City, provided for by section 695 of this Article, a license or licenses for any other kinds of brokerage business permitted by the laws of this State upon paying to the clerk the several sums by law prescribed for such license or licenses.

Proviso.

1888 ch. 495. P. L. L., (1888) Art. 4, Sec. 663.

Lawyers ex-
cepted.

700. The five preceding sections shall not apply to transactions of attorneys at law with their clients; but their provisions shall nevertheless apply to all other persons who make a business of brokerage or agency for others in transactions in real estate, mortgage or chattels real, by solicitation, advertisement, sign or otherwise, with a view to reward or compensation for such business, whether the

same be conducted under the name of agent, property agent, broker, negotiator, financier, dealer or any other name so as to evade the provisions of said sections.

Stevedores.

1898, ch. 505. P. L. L., (1888) Art. 4, Sec. 668A.

§700a. Before any person or body corporate shall transact the business of a master stevedore in the City of Baltimore, he or it shall first obtain from the clerk of the Court of Common Pleas in said City a State's license, authorizing him or it to carry on said business in the said City, for which said license he or it shall pay the sum of twenty-five dollars, and any stevedore who shall violate this section by failure to obtain the license as aforesaid, though continuing to transact the business of a stevedore, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof in the Criminal Court of Baltimore City, be fined the sum of one hundred dollars, or be imprisoned in the City Jail for the term not exceeding six months, or both, in the discretion of the court.**

State license to be obtained.

Steenken *v.* State, 88 Md. 708.

Duty of Sheriff and Clerk of Court.

1866, ch. 151. 1888, ch. 372. P. L. L., (1888) Art. 4, Sec. 669.

701. It shall be the duty of the Sheriff of Baltimore City annually, in the month of April, to make or cause to be made an alphabetical list of the names of all persons or bodies corporate or politic in each ward of the City of Baltimore who shall be exercising, pursuing any business, or be doing any act or thing, or shall be in the use or occupation of any house or place for any purpose for which a license is made necessary by this sub-division of this Article, and to return such list to the Grand Jury of said

Sheriff to make alphabetical list of licenses.

****NOTE.**—The Act 1898, ch. 505, was construed by the Court *in re* Steenken *v.* State, 88 Md. 708, and the provisions relating to the bond required under the terms of said Act were declared unconstitutional and void, but the validity of the remaining provisions of the Act upheld. The act as embodied in section §700a has been modified to conform to the decision of the Court.

To advertise
their expira-
tion.

Fee.

City at as early a period as practicable after the first day of May then next ensuing; and the said Sheriff shall, within the first week of the month of April, cause a notice to be inserted in the daily papers of the City, cautioning all persons and bodies corporate or politic whom it may concern, to obtain a license, or renew the same, on or before the first day of May then next ensuing; and said Sheriff shall be entitled to receive fifty cents for every license obtained by any person whose name shall be contained in the list so returned by him, to be paid by the party applying for each license; but the failure of said Sheriff to give the notice herein directed shall not excuse any neglect to obtain a license as required by the Public General Laws.

1894, ch. 113. P. L. L., (1888) Art 4, Sec. 669A.

Restrictions
upon licenses

702. There shall be entered in writing by the Clerk of the Court of Common Pleas upon the face of all licenses obtained by individuals, firms or corporations to conduct business as trades in the City of Baltimore, the name of the street and number of the house or building, or if there be no number, a full designation of the location of said house or building for which a license is applied for; and each license shall only authorize the transaction of business in one house or building, unless the individual, firm or corporation shall occupy more than one adjoining houses or buildings, and said houses or buildings have open, direct, internal communication with each other; in that case one license will cover transactions in said adjoining houses or buildings so arranged and occupied; provided, always, that any firm, individual or corporation may obtain any number of licenses to conduct business in any number of separate places of business in said City, upon paying for each license a sum graded according to the amount of stock or merchandise generally kept on hand or proposed to be kept on hand at the principal season of sale in said respective places of business, according to the Code of Public General Laws, Article 56, sections 40 to 52, or such amendments as may hereafter be added thereto.

MARINERS AND CHARITABLE MARINE SOCIETY OF BALTIMORE.

P. L. L., (1860) Art. 4, Sec. 630. P. L. L., (1888) Art. 4, Sec. 670.

703. Whenever a mariner residing in or sailing to or from the port of Baltimore shall depart this life intestate, and leaving no relations within the fifth degree, to be reckoned by counting down from the common ancestor to the more remote, the whole surplus estate of such mariner, after paying debts, funeral expenses and cost of administration, shall devolve on and become the property of the Charitable Marine Society of Baltimore.

Intestate mariners without heirs.

MARKETS.**

P. L. L., (1860) Art. 4, Sec. 631. P. L. L., (1888) Art. 4, Sec. 672.

704. If any person shall buy, or cause to be bought, any kind of vegetables, dead meat, poultry, butter, cheese, tallow, eggs or fish, in any of the markets of said City, or within ten miles thereof, with an intent to sell the same again in such markets, or City, or within two miles thereof, he shall for the first offence forfeit the article, or the value thereof; for the second offence, he shall forfeit the article and be fined four dollars, and for every other offence forfeit fifteen dollars, to be recovered in a summary way before a Justice of the Peace; provided, that the purchasing of pork, beef and fish, by the barrel or other package, butter in firkins, or other packages not less than fifty pounds, bacon or cheese by the quantity, by any merchant or shop keeper, and selling the same again in his store or shop, shall not be deemed or taken as an offence against this section.

Purchase to sell again unlawful.

Penalty.

Proviso.

P. L. L., (1860) Art. 4, Sec. 633. P. L. L., (1888) Art. 4, Sec. 673.

705. Whenever any person shall be found exposing for sale any of the articles enumerated in the preceding section, otherwise than in his store or shop, and there shall be good

**NOTE.—See, *Pfeffering v. Baltimore City*, 88 Md. 475, in relation to the powers of the city to regulate and control markets.

Offenders summarily punished.

cause to suspect they have been purchased contrary to the provisions of the preceding section, it shall be lawful for any person to apply to a Justice of the Peace for a warrant to apprehend the person so suspected, and the Justice shall have power to inquire into the offence; and if the person suspected be convicted thereof, or if he cannot make it appear to the satisfaction of the Justice that he raised or made the articles offered by him for sale, or is disposing of them on account of the person who raised or made them, or that he bought the same ten miles or upwards from the City of Baltimore, he shall be deemed to be an offender against the provisions of the preceding section, and the fines and forfeitures shall be recovered in a summary way before the said Justice.

P. L. L., (1860) Art. 4, Sec. 634. P. L. L., (1888) Art. 4, Sec. 674.

Butter.

706. All butter sold by the pound in the said markets shall weigh sixteen ounces avoirdupois weight; and any person bringing butter to the said markets and offering the same for sale, of less weight than sixteen ounces avoirdupois, shall forfeit the same, and it shall be seized and taken by the clerk of the market and sold for the use of the City.

P. L. L., (1860) Art. 4, Sec. 636. P. L. L., (1888) Art. 4, Sec. 676.

Growers and producers exempt from fees.

707. No charge, tax or fees shall be set, rated or levied upon any person or the property of any person who shall attend any of the markets of said City with any articles or produce from the country, to vend in said markets, of his own growth, produce or manufacture, or as the agent of the grower, producer or manufacturer of the same, unless such person shall occupy some place or stand in some of said market-houses; provided such person or agent be not a resident of said City.

P. L. L., (1860) Art. 4, Sec. 637. P. L. L., (1888) Art. 4, Sec. 677.

708. If any clerk of the market, or any other person or officer appointed by or under the provisions of this

Article, shall demand, receive or collect any tax or other charges from any person attending the markets of said City as provided in the preceding section, who shall be standing in the open streets, and who does not occupy any place or stand in the market, he shall be liable to a fine of twenty dollars for each offence, to be recovered before any Justice of the Peace as small debts, one-half to the informer and the other half to the State.

Penalty for
illegal collec-
tions.

P. L. L., (1860) Art. 4, Sec. 640. P. L. L., (1888) Art. 4, Sec. 680.

709. The City may agree with the owners of any land or other property which it may deem expedient to purchase and hold, for the purpose of extending any market; and if they cannot agree, or if there be any incapacity in the owners to contract in relation thereto, or if such owners be unknown or out of the State, any Justice of the Peace for said City, on application of the Mayor and City Council of Baltimore, may issue his warrant to the Sheriff of said City, commanding him to summon from the said City a jury of twenty freeholders, inhabitants of said City, not related to the owners or persons interested in the real estate or other property, to meet on the premises on some certain day to be named in said warrant, of which said warrant and the day therein named for the meeting of the jury, five days' notice shall be given previous to such day by the Mayor and City Council of Baltimore, to every owner or person interested, and left at his place of abode.

Mayor and City
Council may
buy land for.

Condemna-
tion.

P. L. L., (1860) Art. 4, Sec. 641. P. L. L., (1888) Art. 4, Sec. 681.

710. If any infant or lunatic or *feme covert* be the owner in whole or in part of the property subject to be condemned, the notice shall be given to his or her guardian, trustee, committee or husband, as directed in the preceding section.

Notice to in-
fant, lunatic
or *feme*
covert.

P. L. L., (1860) Art. 4, Sec. 642. P. L. L., (1888) Art. 4, Sec. 682.

711. If such owner, guardian, trustee, committee or husband resides out of the State, or is unknown, such

Non-resident.

notice shall be published not less than eight weeks, successively, in some one or more of the daily newspapers of said City.

P. L. L., (1860) Art. 4, Sec. 643. P. L. L., (1888) Art. 4, Sec. 683.

Striking off
Jurors.

712. The owner of such property, or the guardian, trustee, committee or husband of the owner may, from the list of jurors returned by the Sheriff, strike four, and the Mayor and City Council of Baltimore, four, so that the number of jurors may be reduced to twelve; and if either party neglect or fail to strike off the names of jurors, the Sheriff or his deputy shall strike for the party so failing or refusing.

P. L. L., (1860) Art. 4, Sec. 644. P. L. L., (1888) Art. 4, Sec. 684.

Oath to Jurors.

713. The Sheriff or his deputy shall, before the said jury proceed to act, administer to each of the jurors an oath, justly and impartially to value the damages which the owners or parties holding an interest in the property to be condemned will sustain by the use and occupation thereof by the Mayor and City Council of Baltimore.

P. L. L., (1860) Art. 4, Sec. 645. P. L. L., (1888) Art. 4, Sec. 685.

Damages
assessed.

714. The jury so qualified shall inquire into, assess and ascertain the sum of money to be paid by the Mayor and City Council of Baltimore, for the land or other property to be condemned, having regard to all the circumstances of damage or benefit to result to such owner or party interested therein.

P. L. L., (1860) Art. 4, Sec. 646. P. L. L., (1888) Art. 4, Sec. 686.

Inquisition.

715. The jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by the Sheriff to the Clerk of the Superior Court of said City, and be by such clerk filed in his office, and shall be confirmed by said court at its next session if no sufficient cause to the contrary be shown, and when con-

firmed shall be recorded by the said clerk at the expense of the Mayor and City Council of Baltimore.

P. L. L., (1860) Art. 4, Sec. 647. P. L. L., (1888) Art. 4, Sec. 687.

716. If said inquisition be set aside by the said court, ^{New inquisition.} the court shall direct another inquisition to be taken in the manner hereinafter directed.

P. L. L., (1860) Art. 4, Sec. 648. P. L. L., (1888) Art. 4, Sec. 688.

717. Every such inquisition shall describe the property ^{Description of the property.} taken or the bounds of the land condemned, and the quantity or duration of the interest in the same valued to the Mayor and City Council of Baltimore ; and such valuation, when paid or tendered to the owner of said property or his legal representatives, shall entitle the Mayor and City Council of Baltimore to the full, legal and equitable title, interest and estate of the owners of said property, estate and interest in the same thus valued, as fully as it had been held by the owners of the same ; and the valuation, if not received when tendered, may at any time thereafter be received without interest by the said owners, or their legal representatives.

P. L. L., (1860) Art. 4, Sec. 649. P. L. L., (1888) Art. 4, Sec. 689.

718. If the twenty jurors summoned as hereinbefore directed shall not appear at the time and place mentioned, ^{Other Jurors.} the Sheriff or his deputy shall forthwith summon other freeholders of the City, qualified as before directed to make up the said jury to the number of twelve.

P. L. L., (1888) Art. 4, Sec. 650. P. L. L., (1888) Art. 4, Sec. 690.

719. The jurors summoned and attending shall be ^{Per diem of jurors.} allowed one dollar per day for their services ; the Sheriff shall be allowed the same fees as for summoning jurors to the Superior Court, and two dollars a day for each day he or his deputy shall attend upon such inquisition ; and such expenses shall be paid by the Mayor and City Council of

Baltimore, except in cases of objection to the confirmation of the inquisition, when the costs in said court, may be awarded in the discretion of the court.

MORTGAGES.**

1833, ch. 181. 1836, ch. 249. P. L. L., (1860) Art. 4, Sec. 782.

P. L. L., (1888) Art. 4, Sec. 692. 1890, ch. 197.

Assent to decree of sale.

Sale.

720. In all cases of conveyances of lands or hereditaments or of chattels real, or goods and chattels personal, situate in the said City, wherein the mortgagor shall declare his assent to the passing of a decree for the sale of the same, it shall be lawful for the mortgagee or his assigns at any time after filing the same to be recorded, to submit to either of the Circuit Courts of Baltimore City the said conveyances or copies thereof, under seal of the Superior Court; and the Circuit Court to which the same is so submitted, may thereupon forthwith decree that the mortgaged premises shall be sold at any one of the periods limited in said conveyances for the forfeiture of said mortgages or limited for a default of the mortgagors, and on such terms of sale as to the said court may seem proper, and shall appoint by said decree a trustee or trustees for making such sale, and shall require bond and security for the performance of the trust as is usual in cases of sales of mortgaged premises.

Eichelberger *v.* Harrison, 3 Md. Dec. 39. Cronise *v.* Clark, 4 Md. ch. Dec. 403. Williams *v.* Williams, 7 Gill 302. Ing *v.* Cromwell, 4 Md. 31. Gatchell *v.* Presstman, 5 Md. 161. Kauffman *v.* Walker, 9 Md. 229. Robertson *v.* Amer. Homestead Association, 10 Md. 397. Kenly *v.* Wierman, 18 Md. 302. Black *v.* Carroll, 24 Md. 252. Franz *v.* Teutonia Bldg. Ass'n, 24 Md. 269. Brooks *v.* Hayes, 24 Md. 518. Seebold *v.* Lockner, 30 Md. 133. Tome *v.* Merchants and Mechanics Bldg. Ass'n., 34 Md. 12. Heiusler *v.* Nikum, 38 Md. 270. Shaefer *v.* Amicable P. L. & L. Co., 47 Md. 126. Kerchner *v.* Kempton, 47 Md. 568.

**NOTE.—*Mortgages; Powers of Circuit Court No. 2.* Circuit Court No. 2 of Baltimore City has power to pass an *ex parte* decree authorized by a mortgage executed prior to the establishment of said court. Miller *v.* Gunkle, Daily Record, April 2, 1892.

Powers of Sale and Assent to Decree. The power of sale and assent to the passage of a decree contained in a mortgage, is a power coupled with an interest. Easter *v.* Easter, Daily Record, January 23, 1897.

Gustave Adolph Bldg. Ass'n *v.* Kratz, 55 Md. 394. Abrahams *v.* Tappe, 60 Md. 317. Trayhern *v.* Colburn, 66 Md. 280. Bernstein *v.* Hobelman, 70 Md. 29. Chilton *v.* Brooks, 71 Md. 445. Roberts *v.* Loyola Bldg. Ass'n, 74 Md. 1. Haskie *v.* James, 75 Md. 568. Hughes *v.* Riggs, 84 Md. 505. Connaughton *v.* Bernard, 84 Md. 589. Knapp *v.* Anderson, 89 Md. 189.

1833, ch. 181. 1880, ch. 216. P. L. L., (1888) Art. 4, Sec. 693.

721. The trustee or trustees so appointed, after having given bond with security, may, after the arrival of the period limited by the decree for a sale, sell, agreeably to the terms of said decree, the mortgaged property or any part thereof; the mortgagees, their executors, administrators or assigns, if the mortgage claim shall have been assigned before such sale, or their duly constituted agent or attorney, after the arrival of the period aforesaid, verifying by their oath a statement of the amount of said mortgage claim remaining due, before the Judge of said court or before any Justice of the Peace of this State, the official character of any Justice of the Peace for any county being certified under his official seal by the Clerk of the Circuit Court for the county where the affidavit is made, where the affidavit is made outside of the City of Baltimore or before any person outside of this State authorized to take acknowledgments of deeds; and such statement shall be filed in said court. Procedure.

Hays *v.* Dorsey, 5 Md. 99. Ziegler *v.* King, 9 Md. 330. White *v.* Malcolm, 15 Md. 529. Brooks *v.* Hayes, 24 Md. 507. Md. Perm. Bldg. Society *v.* Smith, 41 Md. 516. Hughes *v.* Riggs, 84 Md. 505. McCauseland *v.* Humane, etc., Society, 95 Md. 744.

P. L. L., (1860) Art. 4, Sec. 784. P. L. L., (1888) Art. 4, Sec. 694.

722. Such sales and the conveyances thereupon shall have the same effect, if finally ratified by said court, as if the same had been made under decrees between the proper parties in relation to the mortgages, and in the usual course of said court. Validity of sales.

Gatchell *v.* Presstman, 5 Md. 161. McDowell *v.* Goldsmith, 6 Md. 319. Monumental B. Ass'n No. 2, *v.* Herman, 33 Md. 128. Morrill *v.* Gelston's Lessee, 34 Md. 413. Carroll *v.* Kerschner, 47 Md. 262. Rau *v.* Robertson, 58 Md. 506. White *v.* McClellan, 62 Md. 347. Albert *v.* Hamilton, 76 Md. 304.

P. L. L., (1860) Art. 4, Sec. 785. P. L. L., (1888) Art. 4, Sec. 695.

Trustee's
report.

723. The trustee or trustees shall report the sales to the court for its consideration and ratification or rejection; and such orders shall pass therein touching such ratification as are usual on sales of mortgaged property in said court.

Hardy *v.* Smith, 41 Md. 1. Haskie *v.* James, 75 Md. 568. Albert *v.* Hamilton, 76 Md. 309.

P. L. L., (1860) Art. 4, Sec. 786. P. L. L., (1888) Art. 4, Sec. 696.

Allegations
against sale.

724. Any allegations may be made, and proof under the orders of the said court exhibited, and a trial of the allegations had as the court shall prescribe, to show that the sales ought not to have been made.**

Robertson *v.* Homestead Bldg. Ass'n, 10 Md. 407. Black *v.* Carroll, 24 Md. 251. Heuissler *v.* Nickum, 38 Md. 273. Equitable M. L. I. Ass'n *v.* Becker, 45 Md. 632. Bernstein *v.* Hobelman, 70 Md. 29. Roberts *v.* Loyola P. B. A., 74 Md. 1. Haskie *v.* James, 75 Md. 568. Albert *v.* Hamilton, 76 Md. 304. Richardson *v.* Owens, 86 Md. 664.

P. L. L., (1860) Art. 4, Sec. 787. P. L. L., (1888) Art. 4, Sec. 697.

Voiding sales.

725. The said court, upon being satisfied of the truth of said allegations, shall reject and set aside the sale, and in such case no part of the costs or expenses or trustee's commission, if any such commission be claimable, in relation to the said sales, shall be chargeable upon said property, or the mortgagors, their heirs, executors, administrators or assigns, but shall be wholly chargeable against the persons at whose instance or for whose benefit the said sales shall have been proposed to be made.

Equitable Land Impmt. Ass'n *v.* Becker, 45 Md. 634.

1833, ch. 181. P. L. L., (1860) Art. 4, Sec. 788. P. L. L., (1888) Art. 4, Sec. 698.

Docket entries
and record-
ing.

726. The clerk of said court shall file and record the said decrees, and docket the cases of the application therefor; and in the said decree, and to be recorded therewith,

****NOTE.**—The cases cited under Section 724, mainly relate to proceedings instituted to set aside sales under this sub-division of this Article.

shall file a copy of the mortgage upon which the same was rendered, and shall be entitled to the usual fees for such services.

1833, ch. 181. P. L. L., (1860) Art. 4, Sec. 789. P. L. L., (1888) Art. 4, Sec. 699.

727. Any entry on the docket of said court by the person entitled to assign the said mortgage claim, of the use and benefit of said decrees, shall have the same effect as assignments and conveyances of the said mortgage interests, to have effect and precedence from the time of their respective entries; and the said entries shall not be made without an order or direction in writing, to be acknowledged before the Judge of said court, or a Justice of the Peace, by the persons purporting to sign the same, and filed and recorded by said clerk.

Assignment of
decree.

1833, ch. 181. P. L. L., (1860) Art. 4, Sec. 790. P. L. L., (1888) Art. 4, Sec. 700.

728. The duly authorized entries upon the docket of said court, of the satisfaction of said decrees, and the discharge of said mortgage claims, made by the persons entitled to receive said claims, shall have the same effect to discharge the mortgaged property of said mortgage, and all liens thereunder, as any conveyances by the parties interested in such claims, and the holders of the legal estate and interest therein, if competent to convey, could have at law or in equity; but such entries shall not be made without an order or direction in writing, acknowledged by the persons purporting to have signed the same, before the Judge of said court, or a Justice of the Peace, and filed by the clerk of said court; and the entries shall refer to such orders or directions, and the names of the persons aforesaid; and said order and directions shall be recorded in said court with said decrees.

Satisfaction of
Decree.

1833, ch. 181. P. L. L., (1860) Art. 4, Sec. 791. P. L. L., (1888) Art. 4, Sec. 701

729. The said court may, at its discretion, from time to time, appoint any other trustee or trustees in place of

New trustees.

Distribution.

those appointed by the decree; and the proceeds of such sales shall be accounted for, to, and distributed by, said court, in the manner usual in cases of sales under decrees of said court.

• P. L. L., (1860) Art. 4, Sec. 792. P. L. L., (1888) Art. 4, Sec. 702.

Sales under
General Law.

730. Any mortgagee of property in the City of Baltimore, his assignee or executor, where a power to sell is contained in the mortgage, may proceed under Article 66 of the Public General Laws, title "Mortgages," but notices of sale under such power shall be published in two daily newspapers in said City for a period required by law.**

Chilton v. Brooks, 71 Md. 445, 453. *Roberts v. Loyola P. B. Ass'n.*, 74 Md. 3, 4. *Knapp v. Anderson*, 89 Md. 190.

****NOTE.—Points of Issue and Dicta of the Court in Cases Arising out of the Exercise of the Powers Conferred by Section 730 of the Charter.**

Advertisement. Requisites of a valid advertisement.—*Kaufman v. Walker*, 9 Md. 229. *White v. Malcolm*, 15 Md. 529. *Reeside v. Peter*, 33 Md. 120. *Stevens v. Bond*, 44 Md. 506. *Wareheim v. Building Ass'n.*, 44 Md. 512. *Dircks v. Logsdon*, 59 Md. 173. Mistakes in advertisement; effect of.—*Brooks v. Hays*, 24 Md. 507. *Patterson v. Miller*, 52 Md. 388.

Annexation Act. Effect of, on power to sell.—*Chilton v. Brooks*, 71 Md. 445. *Roberts v. Loyola P. B. Ass'n.*, 74 Md. 3.

Assignment of Mortgage. Effect on power of sale.—*Russum v. Wausser*, 53 Md. 92. *Bouldin v. Reynolds*, 58 Md. 491 and *Erb v. Grimes*, 94 Md. 92.

Auctioneer. See, "Mis-statement of Auctioneer."

Audit. When audit may be dispensed with.—*Korns v. Shaffer*, 27 Md. 83.

Bond of Foreclosure.—See, *Cockey v. Coale*, 28 Md. 276 and *Wareheim v. Carroll Bldg. Ass'n.*, 44 Md. 512.

Commissions. Commissions in mortgage sales are not chargeable against the mortgagor as being embraced in the term "expenses of sale," *Johnson v. Glenn*, 80 Md. 369. Commissions in mortgage sales are a matter of contract.—*Dorsey v. Omo*, 93 Md. 74.

Debt. Nature of mortgage debt.—*W. M. R. R. Co., v. Goodwin*, 77 Md. 271.

Decree. Effect of void decree.—*Kerchner v. Kempton*, 47 Md. 568.

Default. See, "Insurance and Interest."

1833 ch. 181 Sec. 3. 1864, ch. 124 P. L. L., (1888) Art. 4. Sec. 703.

731. Where a default of the mortgagors has taken place before the said conveyances have been submitted to the Circuit Court of Baltimore City, it shall, nevertheless, be the duty of said court, upon the submission of the said conveyances to such court, after the said default, to forthwith decree that the mortgaged premises shall be sold on such terms of sale as to the said court shall seem proper, and to appoint by said decree a trustee or trustees to make such sale, requiring bond and security for the performance of the trust, as is usual in the case of the sale of mortgaged premises; and the said trustee or trustees may sell the same agreeably to the terms of the said decree; but before each sale the mortgagee or mortgagees, or some of the mortgagees, or the executor or administrator of a deceased mortgagee, or the assignee or assignees of the mortgagee or one of such assignees, or the executor, or administrator of a deceased assignee, shall file in the court

Default before
decree.

Exceptions. When and by whom exceptions to ratification of sale may be filed.—*Aukum v. Jantziger*, 94 Md. 421. *Bond v. Gray Imp. Co.*, 102 Md. 426.

Expenses of Sale. See, "Commissions."

Inadequacy of Price. When sufficient ground for setting aside sale under power to sell.—*Harnickell v. Orndroff*, 35 Md. 341. *Horsey v. Hough*, 38 Md. 130. *Condon v. Maynard*, 71 Md. 601. *Carroll v. Hut-ton*, 91 Md. 379.

Insurance. When failure to pay constitutes default.—*Walker v. Cockey*, 38 Md. 75. Right of mortgagee to insurance on mortgaged premises when fire takes place after sale, but before ratification thereof.—*Bowdoin v. Hammond*, 79 Md. 173.

Interest. When non-payment of interest constitutes default.—*Mow-bray v. Leckie*, 42 Md. 474. Acceptance of interest by mortgagee after default does not constitute waiver of latter's right to foreclosure.—*Mahoney v. McCubbin*, 52 Md. 357.

Jurisdiction. Jurisdiction of court in sales under powers.—*Cockey v. Coale*, 28 Md. 276.

Misstatements. Setting aside sale under a power on account of mis-statements of auctioneer.—*Schaeffer v. Bond*, 70 Md. 480.

Mortgage Notes. When filing of same unnecessary.—*Heidel v. Bladen*, 83 Md. 225.

Statement of
claim.

in which the said proceedings are pending, a statement of the amount of the said mortgaged claim remaining due, verifying the same by the oath or affirmation of the party filing the same; and the said affidavit or affirmation may be made before any of the persons mentioned in section 721 of this Article, and the same shall be authenticated as provided for in section 721.

Hays v. Dorsey, 5 Md. 99. *Gatchell v. Presstman*, 5, Md. 161. *Black v. Carroll*, 24 Md. 252. *Brooks v. Hays*, 24 Md. 507. *Connaughton v. Bernard*, 84 Md. 595.

1898, ch. 327.

Decree en-
tered against
mortgagor.

§731a. If, upon a sale of the whole mortgaged property by virtue of a decree passed under an assent to the passing of a decree contained in the mortgage under the provisions of section 720 of this Article, the net proceeds of sale, after the cost and expenses allowed by the court are satisfied, shall not suffice to pay the mortgage debt and accrued interest,

Mortgagor. Effect of death of on power to sell.—*Berry v. Skinner*, 30 Md. 567.

Notice. Requisites of Valid Notice of Sale. *White v. Malcolm*, 15 Md. 529. *Dircks v. Logsdon*, 59 Md. 173. *Carroll v. Hutton*, 91 Md. 379. Errors in Notice.—*White v. McClellan*, 62 Md. 347.

Power to Sell. The power to sell is a power coupled with an interest.—*Berry v. Skinner*, 30 Md. 567. *Dill v. Satterfield*, 34 Md. 52. *Harnickell v. Orndorff*, 35 Md. 541. *W. M. R. R. Co. v. Goodwin*, 77 Md. 271. *And as such is assignable.*—*Russum v. Wausser*, 53 Md. 92. *Bouldin v. Reynolds*, 58 Md. 491; *Erb v. Grimes*, 94 Md. 92. *Is a power coupled with an interest when conferred on the mortgagee.*—*W. M. R. R. Co., v. Goodwin*, 77 Md. 271. *And not when conferred on a third party who has no interest in the estate and, does not pass to his personal representatives.*—*Barrick v. Horner*, 78 Md. 253.

Where an Assignment is Made for the purpose of foreclosure only, the power to sell is not a power coupled with an interest and does not pass to the personal representatives of the assignee, nor can latter exercise same.—*Taylor v. Carroll*, 89 Md. 32.

The Mortgagee's Power of sale is not affected by an order of the Orphans' Court directing the mortgagor's executor to sell the mortgaged premises.—*Mish v. Lechliden*, 89 Md. 275.

as the same shall be found and determined by the judgment of the court upon the report of the auditor thereof, the court may, upon the motion of the plaintiff, the mortgagee or his legal or equitable assignee, after due notice, by summons or otherwise, as the court may direct, enter a decree *in personam* against the mortgagor or other party to the suit or proceeding, who is liable for the payment thereof, for the amount of such deficiency; *provided* the mortgagee or his legal or equitable assignee would be entitled to maintain an action at law upon the covenants contained in the mortgage for said residue of said mortgage debt so remaining unpaid and unsatisfied by the proceeds of such sale or sales; which decree shall have the same effect and be a lien as in a case of a judgment at law, and may be enforced in like manner by a writ of execution in the nature of a writ of *fieri facias* by attachment or otherwise.

Though not Exercisable by a corporation as assignee, a power of sale may be exercised by the assignee of such corporation.—*Maslin v. Marshall*, 94 Md. 430.

Ratification of Sale. Grounds for objection to ratification of sale under power to sell.—*Hubbard v. Jarrell*, 23 Md. 66.

Sales. A sale for cash where terms of sale are not stated in mortgage is valid.—*Powell v. Hopkins*, 38 Md. 1. *When a sale in solido* will be set aside.—*Patterson v. Miller*, 52 Md. 388. A power to sell property outside of the county in which it lies cannot be given in a mortgage.—*Webb v. Haeffer*, 53 Md. 187. *No order of Orphans' Court* is required in sales of mortgaged property by executors of assignee of mortgage.—*Chilton v. Brooks*, 71 Md. 453. *Sales where division of land was improper*.—*Carroll v. Hutton*, 91 Md. 379. The discretion of the trustee as to the mode of offering property for sale under power to sell in mortgage must be properly exercised.—*Thomas v. Fewster*, 95 Md. 450. *When sale will be set aside*.—*Kauffman v. Walker*, 9 Md. 229. *Only sufficient* property should be offered for sale to pay the mortgage debt and expenses when the property is divisible in a practical manner.—*Mays v. Lee*, 100 Md. 229. *Sale by assignee of mortgage* under power of sale; duty of such assignee.—*Wicks v. Westcott*, 59 Md. 270.

Trustee. A trustee cannot purchase at his own sale.—*Korns v. Shaffer*, 27 Md. 83. *Duty of trustee under power to sell* to all parties.—*Dickerson v. Small*, 64 Md. 395. *Carroll v. Hutton*, 88 Md. 679. *For a full discussion of duties of trustee* in relation to sales of mortgaged property under power of sale, *See, Wicks v. Westcott*, 59 Md. 270.

1864, ch. 124. P. L. L., (1888) Art. 4, Sec. 704.

Application of
sections 722-
729 to sec. 731.

732. The provisions of sections 722 to 729, inclusive, of this Article, shall apply to all the proceedings under section 731.

NOTARIES PUBLIC.*

1801, ch. 86, Sec. 2. 1872, ch. 191. 1880, ch. 21. 1886, ch. 14. 1890, ch. 71. 1892, ch. 373. 1896, ch. 137. 1898, ch. 81. 1898, ch. 123.

1900, ch. 150. 1902, ch. 112. 1902, ch. 321. 1904, ch. 15.

P. G. L., (1860) Art. 67, Sec. 1. P. L. L., (1888)

Art. 4, Secs. 704A, 704A 1-2.

Number of No-
taries Public
Governor
may appoint.

733. The Governor, by and with the consent of the Senate, shall appoint and commission twenty Notaries Public for each of the Legislative Districts of Baltimore City, and twenty Notaries Public at large for said City, to be selected from such districts as the Governor may elect and determine.

1904, ch. 227.

Additional No-
taries Public
may be ap-
pointed.

733A. In addition to the Notaries Public heretofore authorized and mentioned in section 733 of this Article (as repealed and re-enacted by the Acts of the General Assembly of 1904), the Governor, by and with the advice and consent of the Senate, shall appoint and commission twenty-five additional Notaries Public at large, to be selected from such ward or wards as the Governor may elect and determine.

1906, ch. 317, Sec. 1.

Appointment
of 20 addition-
al Notaries
Public
authorized.

§733A,a. The Governor, by and with the advice and consent of the Senate, is authorized to appoint twenty Notaries Public for Baltimore City two of whom may be females, in addition to the number now authorized by law.

*NOTE.—As to how far a Notary Public may impeach his certificate, *see*, *Central Bank v. Copeland*, 18 Md. 305. *Matthews v. Dare*, 20 Md. 271. *Highburger v. Stiffler*, 21 Md. 351. *Nicholson v. Snyder*, 97, Md. 415.

1904, ch. 15.

734. No person shall be eligible to the office of Notary Public except a citizen of the United States who has resided in the State for two years previous to his appointment; but women otherwise qualified, shall be eligible to said office, provided the number of said women so appointed and commissioned shall not exceed ten in number. Eligibility of appointees.

OYSTERS.

1892, ch. 630. P. L. L., (1888) Art. 4, Sec. 704B.

735. All oysters in the shell sold in the City of Baltimore shall be measured by a licensed measurer; any person may obtain a license therefor from the Clerk of the Court of Common Pleas by paying therefor the sum of ten dollars and taking an oath before said clerk for the faithful performance of his duty; said license shall hold good for one year; a measurer shall receive for his services one-half cent per bushel, to be paid equally by the buyer and seller; any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than twenty nor more than fifty dollars for each offence, and imprisoned until the fine and costs shall be paid. Licensed measurers. Penalty.

PARKS AND SQUARES.*

1876, ch. 344. P. L. L., (1888) Art. 4, Sec. 712.

736. The Board of Park Commissioners, for the purpose specified in section 96 of this Article, is empowered to form a zoological collection within the limits of any of the parks and squares under its control. Zoological Collection.

*NOTE.—The Act 1906, ch. 58, authorizes the Mayor and City Council of Baltimore to retain as a public reservation or park, the triangular lot of ground at the intersection of Hopkins Place and Baltimore street.

1876, ch. 344. P. L. L., (1888) Art. 4, Sec. 713.

737. The said Commissioners are authorized to receive subscriptions of money for the purpose of said collection not to exceed in amount one hundred thousand dollars, and to issue certificates of stock therefor, in sums of not less than one hundred dollars, each bearing interest at the rate of six per cent., payable half-yearly out of the income derived from said collection, which certificates shall be signed by a member of said Commissioners appointed by them for the purpose, and the secretary thereof, and have attached thereto a seal, which the said Commissioners are authorized to adopt for the purpose.

Subscriptions,
and certifi-
cates of stock
for such
purpose.

1876, ch. 344. P. L. L., (1888) Art. 4, Sec. 714.

738. In addition to the six per cent. interest aforesaid, each holder of a certificate shall be entitled to receive for every one hundred dollars subscribed by him or her, as many free entrance tickets to the zoological collection as the said Commissioners may deem proper.

Free entrance
tickets.

1886, ch. 438. P. L. L., (1888) Art. 4, Sec. 720.

739. The Mayor and City Council of Baltimore are authorized to issue bonds or certificates of indebtedness of said corporation to an amount not exceeding one hundred thousand dollars, to be applied to the purchase of ground for and the establishment of a park in that portion of the City of Baltimore lying west of Poppleton street and south of Franklin street in said City; which said bonds or certificates of indebtedness shall be payable at such times and bear such rate of interest not exceeding three and one-half per centum per annum, as the said Mayor and City Council shall provide by ordinance; provided, that the said bonds or certificates of indebtedness shall not be issued unless the ordinance which the Mayor and City Council of Baltimore are authorized to enact for that purpose shall be approved by a majority of the votes of the legal voters of said City, cast at the time and places to be designated by said ordinance, in the provision for submitting the same to the legal

New park in
southwestern
part of City.

Bonds.

voters of said City, as required by section 7, Article XI, of the Constitution of Maryland; provided, however, that the said bonds or certificates of indebtedness shall not be sold for less than par; and the said Mayor and City Council of Baltimore are authorized to provide by ordinance for the laying of such an annual tax as shall be sufficient to pay ^{Interest.} the interest on said bonds or certificates of indebtedness, and provide a sinking fund for their redemption at maturity.

1904, ch. 42.

§739a. From and after the date of the passage of this Act no building, except churches, shall be erected or altered in the City of Baltimore on the territory bounded by the south side of Madison street, the west side of St. Paul street, the north side of Centre street, and the east side of Cathedral street, to exceed in height a point seventy feet above the surface of the street at the base line of the Washington Monument. ^{Limiting heights of buildings, vicinity Washington Monument.}

*Park Improvement Loan.**

1904, ch. 338.

§739b. The Mayor and City Council of Baltimore is hereby authorized to issue its stock to an amount not exceeding one million dollars, said stock to be issued from time to time as the Mayor and City Council of Baltimore shall by ordinance prescribe, and to be issued for such amounts and to be payable at such time and to bear such rate of interest as the Mayor and City Council of Baltimore shall by ordinance provide; and the proceeds thereof to be used for the extension of the present park system of the City of Baltimore, and for the development and improvement for park purposes of the lands over which it shall be so extended, in such manner as the Mayor and City Council of Baltimore, shall by special ordinance or ^{Authority to issue stock for extension of Baltimore's Park system}

*NOTE.—By the Act 1906, ch. 728, the Mayor and City Council of Baltimore is authorized to issue \$1,000,000 of city stock for the purpose of extending the Park system when an ordinance providing for the same shall be submitted to and approved by the people.

The Act 1904, ch. 338, was approved by the people, November, 1904.

To be submitted to the vote of its citizens.

ordinances, or by the annual Ordinance of Estimates, prescribe ; but said stock shall not be issued in whole or in part unless the ordinance of the Mayor and City Council of Baltimore providing for the issuance thereof, shall be submitted to the legal voters of the City of Baltimore, at such time and place as may be fixed by said ordinance, and be approved by a majority of the votes cast at such time and place, as required by Section 7 of Article 11 of the Constitution of Maryland.

1904, ch. 338.

Power to acquire property by gift, purchase, etc.

§739c. The Mayor and City Council of Baltimore, acting by and through the agency of the Board of Park Commissioners, may acquire by gift, purchase, lease, whatever the duration of the lease, or other like methods of acquisition or by condemnation, any land situate wholly or partly within the City of Baltimore, or within the counties of Baltimore, Anne Arundel, and Howard, or any interest, franchise, easement, right or privilege therein, which may be required for the purpose of extending said park system, as aforesaid, or any part or parts thereof, and when and so often as resort shall be had to condemnation proceedings, the procedure shall be that marked out by Sections 360 to 365 inclusive, of Article 23 of the Code of Public General Laws of Maryland, relating to condemnation of property by corporations, or so far as the acquisition by condemnation of any such lands situate wholly or partly within the City of Baltimore, or any interest, franchise, easement, right or privilege therein is concerned, may, in such case or cases, at the option of the Board of Park Commissioners, be such as may now or at any time hereafter provided for by any lawful ordinance or ordinances of the Mayor and City Council of Baltimore, adopted pursuant to the powers conferred upon it by Section 6 of this Article, title "General Powers," sub-title, "Condemnation of Property," for the condemnation of any land or property or interest therein situated wholly or partly within the City of Baltimore, or such as may be provided for the very purpose by any lawful ordinance or

ordinances of the Mayor and City Council of, Baltimore which said ordinance or ordinances the said Mayor and City Council of Baltimore is hereby fully authorized to adopt; *provided*, provision is made therein for reasonable notice to the owner or owners, and for appeals to the Baltimore City Court by any person interested, including the Mayor and City Council of Baltimore, from the decision of any Commissioners or other persons appointed to value any such land or interest, franchise, easement, right or privilege therein.

Right of appeal
by interested
parties.

1904, ch. 338.

§739d. In developing and improving any land acquired as aforesaid for park purposes, the Mayor and City Council of Baltimore shall be free from the restrictions created by Chapter 453 of the Acts of the General Assembly of Maryland, approved April 8, 1902.*

Municipality
to be exempt-
ed from
restriction.

1904, ch. 338.

§739e. The interest on the loan authorized by this Act, and the sinking fund for the redemption of the said loan, shall be taken out of the receipts from the park tax on the street railway companies of Baltimore City, and not from the proceeds of the general tax levy.

Interest on
the loan.

1904, ch. 338.

§739f. The Mayor and City Council of Baltimore are hereby authorized and empowered to expend equally the proceeds of the loan authorized by this Act in the acquisition of land in the four section of the city and suburbs indicated by the intersection of Charles and Baltimore streets.*

To expend
equally.

*NOTE.—The Act of 1902, ch. 453 re-enacted section 840 of the City Charter. *See post*, page —.

*NOTE.—This loan was approved by the people at the election, November 7, 1905. *See omnibus ordinance, post*, Art. 34, page —.

POLICE COMMISSIONERS.

Organization of Force.

P. L. L., (1860) Art. 4, Sec. 806. 1860, ch. 7 1867, ch. 367. 1874, ch. 2. 1900, ch. 15. P. L. L., (1888) Art. 4, Sec. 722.

Appointment.

Term.

Salary.

Successors.

Bond.

740. There shall be appointed by the Governor, by and with the advice and consent of the Senate, three sober and discreet persons, who shall have been registered voters in the City of Baltimore for three consecutive years next preceding the day of their appointment, who shall be known as the Board of Police Commissioners for the City of Baltimore; two of said Commissioners shall always be adherents of the two leading political parties in the State, one of each of said parties. Any of said Commissioners shall be subject to removal by the Governor for official misconduct or incompetency, in the manner provided by law in the case of other civil officers. Each of said commissioners shall be appointed for two years, and their term of office shall commence on the first Monday of May next ensuing their appointment, and they shall hold office until their respective successors are appointed and qualified; each of said commissioners shall receive a salary of twenty-five hundred dollars per annum, payable quarterly. None of said commissioners shall be eligible to an elective or appointed office during the term for which he was appointed, except under the militia laws of the State, or where the qualifications for such office are prescribed by the Constitution. As the term of office of any commissioners shall expire, as designated above, his successor shall be appointed for two years, subject to the foregoing provisions and limitations. Before entering upon the duties of his office, each commissioner shall enter into bond to the State of Maryland, with one or more sureties, in the penalty of ten thousand dollars, conditioned for the faithful discharge of his duties as such commissioner; said bond to be approved by the Judge of the Superior Court of the City of Baltimore, and to be kept and recorded by the clerk of said court, in the office thereof, together with the certificate of appointment as aforesaid, and shall also take and subscribe before the said Judge of

the Superior Court, or the clerk thereof, the oath or affirmation prescribed by the sixth section of the first Article of the Constitution, and the further oath or affirmation, that in every appointment, promotion, reduction in rank or removal to be made by them, to, in or from the police force created and organized under this subdivision of this Article, they will in no case, and under no pretext, appoint, promote, reduce in rank or remove any policeman or officer of police, or detective, or any other person under them, for or on account of the political opinions or affiliations of such policeman, officer, detective or other person or for any other cause or reason than the fitness or unfitness of such person, in the best judgment of said commissioners, for the place to which he shall be appointed, or from which he shall be removed, and the said oath or affirmation shall be recorded and preserved among the records of said court.

Oath.
Recording
oath.

Mayor and C. C. of Balto., *v.* State, 15 Md. 376. Mayor, etc., *v.* Howard, 20 Md. 335. Altvater *v.* Mayor, 31 Md. 462. Keyser *v.* Upshur, 92 Md. 728.

1867, ch. 367. 1900, ch. 15. P. L. L., (1888) Art. 4, Sec. 723.

741. The Board of Police Commissioners, on entering upon their duties as such, shall select one of their number who shall be the president, and one of their number who shall be the treasurer thereof; all votes on appointments into the Police force, and on promotions, reductions in rank therein, and dismissals of officers therefrom, and all votes awarding contracts or for the expenditures of any money shall be by a yea and nay vote, which shall be plainly recorded in the minute book of The Board of Police commissioners, showing how each member of the Board has voted on each of said questions. This minute book shall at all times be open under reasonable regulations to the inspection of the public. In case of the death, resignation, removal or disqualification of any commissioner, the Governor shall appoint a successor for the remainder of the term so vacated, subject to the provisions of the foregoing section, and of the Constitution of the State; provided,

Officers of
Board.

Votes to be
recorded.

Vacancies; how
filled.

that the present Board of Police Commissioners shall continue in office until the first Monday in May, nineteen hundred, with the right of removal, and to fill vacancies on the part of the Governor as provided by law.

Keyser *v.* Upshur, 92, Md. 728, 739.

1884, ch. 176. P. L. L., (1888) Art. 4, Sec. 724. 1906, ch. 129.

742. The said Board of Police Commissioners shall select some suitable person to act as Secretary to the Board, whose duty it shall be to keep minutes of the proceedings of the Board, take charge by the direction of the Board of all property seized or found by the police or detectives, and to perform all clerical and proper duties required of him by said Board; and it shall be the further duty of said secretary to prepare forms of all poll books and election returns, warrants of arrests and commitments to be used by Judges of election for all elections held in Baltimore City, to superintend carefully the printing thereof and to perform all other clerical duties devolved upon said Board by law in connection with all elections held in said City, as may be required of him by said Board; said Secretary shall enter into bond to the State of Maryland in the same manner as is by law prescribed for said Commissioners in the sum of \$5000.00, conditioned for the faithful discharge of his duties aforesaid and the safe keeping of all property placed in his hands as aforesaid and shall receive the salary of twenty one hundred and fifty dollars per annum payable monthly.

Secretary.

Duties.

Bond.

Salary.

P. L. L., (1888) Art. 4, Sec. 724A. 1892, ch. 549. 1906, ch. 129.

743. The Board of Police Commissioners are hereby authorized to employ an additional officer to be known as assistant secretary to the board, whose salary shall be thirteen hundred and fifty dollars per annum payable monthly.

Assistant Secretary.

Salary.

P. L. L., (1860) Art. 4, Sec. 808. 1860, ch. 7. 1867, ch. 367.
1890, ch. 574, P. L. L., (1888) Art. 4, Sec. 725.

744. The duties of the Board of Police Commissioners hereby created shall be as follows : They shall at all times of the day and night, within the boundaries of the City of Baltimore, as well on the water as on the land, preserve the public peace, prevent crime and arrest offenders, protect the rights of persons and property, guard the public health, preserve order at primary meetings and elections, and at all public meetings and conventions and on all public occasions and places, prevent and remove nuisances in all the streets and highways, waters and water-courses, and all other places, provide a proper police force at every fire for the protection of firemen and property, protect strangers, emigrants and travelers at all steamboat, ferry-boat and ship landings and railway stations, see that all laws relating to elections, and to the observance of Sunday, and regarding pawnbrokers, gambling, intemperance, lotteries and lottery policies, vagrants, disorderly persons and the public health are enforced, and also to enforce all laws, ordinances of the Mayor and City Council of Baltimore, not inconsistent with the provisions of this sub-division of this Article, or of any law of the State which may be properly enforceable by a police force ; and in case the said Board of Police Commissioners shall have reason to believe that any person within the limits of the City of Baltimore intends leaving the City for the purpose of committing any breach of the peace, or of violating any law of the State beyond the limits of the City, upon the Chesapeake bay or on any river, creek, inlet, water-course, or at any other place on land or water within the State of Maryland, it shall be the duty of the said Board of Police Commissioners to cause such person to be followed, and to take the most effectual means for the suppression and prevention of such outrage, when any such shall be attempted, and to cause the arrest of all such offenders; provided, however, that if any crime be actually committed by such person, the offender shall be delivered to the proper jurisdiction for trial and punishment ; any person charged with the commission of

Duties of the Board.

Conservators of the peace, etc.

Fires, etc.

To enforce laws and ordinances.

Breach of peace.

Jurisdiction in making arrests.

May summon
witnesses.

crime in the City of Baltimore and against whom criminal process shall have issued, may be arrested upon the same in any part of the State by the police force created under this sub-division of this Article, under such rules and regulations as the Board of Police Commissioners may adopt; and the said Board shall have power to summon witnesses before it and to administer oaths or affirmations to such witnesses whenever, in the judgment of the said Board, it may be necessary for the effectual discharge of their duties under this sub-division of this Article; and any person failing to appear in answer to said summons, or refusing to testify, shall be subject to a penalty of not less than twenty-five nor more than fifty dollars, to be recovered by civil action in the name of the State, to the use of the said Board, or by indictment in the Criminal Court of Baltimore; false swearing on the part of any such witness shall be deemed perjury, and shall be punished as such.

Altwater v. Mayor, 31 Md. 462. *Mitchell v. Lemon*, 34 Md. 176. *Flynn v. Canton Co.*, 40 Md. 312. *Roddy v. Finnegan*, 43 Md. 492. *State v. Strauss*, 49 Md. 288. *Brotherton v. Board of Police Commissioners*, 49 Md. 495. *Sinclair v. Baltimore*, 59 Md. 597. *Police Commissioners, Baltimore City, v. Wagner*, 93 Md. 192. *Upshur v. Mayor, etc.*, 94 Md. 743. *Upshur v. Ward*, 94 Md. 778. *Wagner v. Upshur*, 95 Md. 519. *State v. Hymen*, 98 Md. 621 (*approving Baltimore City v. Wagner*, 93 Md. 192).

P. L. L., (1860) Art. 4, Sec. 809. 1886, ch. 186. 1888, ch. 500. 1888, ch. 98, Sec. 24. 1888, ch. 303. 1890, ch. 124. 1894, ch. 240. 1900, ch. 425. P. L. L., (1888) Art. 4, Sec. 726. 1906, ch. 129.

Board to enroll,
arm, equip
and regulate
police force.

745. The said Board of Police Commissioners are authorized, and required, immediately on entering on their duties of their office to appoint, enroll and employ a permanent police force for the City of Baltimore, which they shall arm and equip as they may judge necessary, under such rules and regulations as they may from time to time prescribe, and the said Board shall have the power to remove any police officer or officer of police or any detective, for the violation of any rule or regulation which they may make and promulgate to said police force, officers of

police, or any detective ; said police force shall consist of one Marshal and one Deputy Marshal of Police of the City, one Captain, two round sergeants, two turnkeys, (who shall have the rank of patrolman) and one clerk at each station house, which said clerk shall receive the salary of twenty dollars per week ; one Captain Commander who shall be assigned to the management and command of the police patrol boat provided for in Section 778 of this Article, twenty-one Lieutenants, two of whom shall be assigned to each station house ; one of whom shall be assigned to the said police patrol boat and who shall be styled First Officer, one of whom shall have the charge of the mounted force and the horses, wagons, and stables ; one of whom shall be the superintendent of the Police Signal and Telephone Service, one of whom shall be assigned to duty in connection with the Bureau of Identification, and one of whom shall be assigned to night duty at Police Headquarters ; one captain of detectives ; detectives not exceeding twenty-five, who shall not be allowed to follow any business or profession, but who shall devote their entire time to the discharge of their duties as detectives ; such number of sergeants as the Board in their judgment may deem necessary for each police district in said City ; one additional round-sergeant who shall be assigned as assistant to the superintendent of the police signal and telephone service ; seven hundred and twenty-five patrolmen, and fifty probationers. The said police force may be increased at any time if in the opinion of the Board the public peace shall so require, to any number and for such periods of time as they may think proper by the appointment of Special Policemen, who shall receive the sum of \$2.50 per day for their services. The members of the police force shall receive the following salaries, payable every two weeks : The Marshal receive twenty-six hundred and fifty dollars per annum ; the Deputy Marshal twenty-one hundred and fifty dollars per annum ; each Captain, including the Captain of Detectives and Captain Commander shall receive thirty-two dollars per week ; each Lieutenant twenty-seven dollars per week, each round sergeant and detective twenty-five dollars per week ; each

Officers and
men.

Pay.

Proviso; provisions of Act 1900, ch. 16 to remain in force.

sergeant twenty-two dollars per week; each patrolman and turnkey twenty dollars per week, and each probationer fifteen dollars per week. Nothing herein contained shall be construed in any manner changing or altering the method of making appointments to promotions in, or removals from the police force as prescribed in Chapter 16 of the Acts of 1900, but said police force shall be regulated and managed in all respects in accordance with said Chapter 16 of said Acts of 1900; and provided further, that nothing herein contained shall be construed to legislate out of office any police officer, detective or officer of police now in the force, or any employee of the Board of Police Commissioners.

Keyser v. Upshur, 92 Md. 726. Upshur v. Ward, 94 Md. 778. Upshur v. Hamilton, 95 Md. 566. Cf., Baltimore v. Poultney, 25 Md. 32.

1900, ch. 16. 1902, ch. 591.

Police Examiners appointed.

745A. There shall be appointed by the Governor, by and with the advice of the Senate, three sober and discreet persons, who shall be registered voters of the City of Baltimore, for three consecutive years next preceding the day of their appointment, who shall be known as the Board of Police Examiners of Baltimore City. Two of said examiners shall be adherents of the two leading parties in the State, one of each of said parties. Any of said Board of Police Examiners shall be subject to removal by the Governor for official misconduct or incompetency, in the manner provided by law in case of other civil officers. Each of said Board of Police Examiners shall be appointed for two years, and they shall hold office until their respective successors are appointed and qualified. Each of said Board of Police Examiners shall receive a salary of one thousand two hundred dollars per annum, payable monthly. None of said Board of Police Examiners shall be eligible to an elective or appointive office, except under the militia laws of the State; as the term of any examiner shall expire as designated above, his successor shall be appointed for two years, subject to the foregoing provisions and limitations. Before entering upon the duties of his office, each

Salary of members of Board of Police Examiners.

member of said Board of Police Examiners shall take and subscribe before the Judge of the Supreme Court of the City of Baltimore, or the Clerk thereof, the oath or affirmation prescribed by the sixth section of the first article of the Constitution, and the further oath or affirmation that in every nomination to the Board of Police Commissioners for Baltimore City of any person for appointment as Police Officer, Officer of Police or Detective, for promotion, they shall in no case and under no pretext make such nomination for or on account of the religion or political opinions or affiliations of the person nominated by them, or for any other cause or reason than the fitness of such person in the best judgment of said Board of Police Examiners for the place to which he shall be nominated; and said oath or affirmation shall be recorded and preserved among the records of said Court.

Oath to be taken.

Keyser v. Upshur, 92 Md. 728. *Upshur v. Ward*, 94 Md. 778. *Upshur v. Hamilton*, 65 Md. 561.

1900, ch. 16.

745B. The said Board of Police Examiners may elect one of its members to be president, and may employ a secretary, who shall hold office during the pleasure of the Board. The secretary shall receive a salary of \$1,200 per annum, payable monthly, and his duties shall be such as may be prescribed from time to time by said Board of Police Examiners.

Election of Officers and compensation.

**Keyser v. Upshur*, 92 Md. 726.

1900, ch. 16.

745C. It shall be the duty of the Mayor and City Council of Baltimore to cause suitable rooms and accommodations to be assigned and provided, and to be furnished, heated and lighted, in the City of Baltimore for carrying on the work and examination of the said Board of Police Examiners; and said Board may order the necessary stationery, postage stamps, official seals and other articles to be supplied, and the necessary printing to be done for its official use.

Accommodations.

**Keyser v. Upshur*, 92 Md. 726.

1900, ch. 16.

Rules and
regulations.

Examiners to
report names
of candidates
for appoint-
ment to
Police Force
to Board of
Police Com-
missioners,
by graded
lists.

Competitive ex-
amination
for candi-
dates.

Character of
such exami-
nation.

Lists to be open
to inspection
of public.

745D. It shall be the duty of the said Board of Police Examiners, and they are hereby authorized and empowered to prescribe, amend and enforce, definite and uniform rules and regulations for carrying this Act into effect, which rules and regulations, when adopted and promulgated, shall have the effect of law, and to ascertain the qualifications by competitive examination of every candidate for appointment to or promotion in the Police force, created and organized under existing law for the City of Baltimore except the marshal of police and captain of detectives, counsel and police surgeons, and to report to the Board of Police Commissioners for the City of Baltimore graded lists of those persons whom they may deem qualified for such appointment or promotion, from which graded lists all nominations for appointments to or promotion in said police force shall hereafter be made by said Board of Police Commissioners for the City of Baltimore. All such nominations for appointment to or promotion in said police force, shall be made in the order in which the names of the nominees appear upon such graded lists. In the preparation of the graded lists, the said Board of Police Examiners shall ascertain by open competitive examinations the relative qualifications of the respective candidates for appointment or promotion, and shall place the names of the accepted candidates upon said graded lists in the order of their relative qualifications, so ascertained by such competitive examinations. The examinations shall be public and practical in character, and shall relate to those matters which shall fairly test the relative capacity and fitness of the persons to discharge the duties of the position in the said police force to which they desire appointment or in which they seek promotion, including their past record on the force. The graded lists shall always be open to the inspection of the public.

Keyser v. Upshur, 92 Md. 729. Upshur v. Ward, 94 Md. 781.

1900, ch. 16.

745E. Intending competitors for appointment to said police or for promotion therein shall file in the office of said Board of Police Examiners, a reasonable length of time before the date of any examination, a formal application, in which the applicant shall state under oath :

1st. His full name and residence.

Applicant's
statement.

2d. His age, the place and date of his birth.

3d. His health and physical capacity for the position to which he aspires.

4th. If an applicant for appointment, his business or employment, and residence for at least the previous three years.

5th. Such other information as may reasonably be required touching the applicant's merit and fitness for service on or promotion in the said police force.

Blank forms for such applications shall be furnished by the said Board of Police Examiners, without charge, to all persons requesting the same. The applicant shall file with the said Board of Police Examiners, in connection with his application, such certificates of citizens, physicians, public officers or others having knowledge of the applicant, as the good of the service may require. The said Board of Police Examiners shall refuse to examine an applicant, or after an examination to certify an eligible who is found to lack any of the established preliminary requirements for the examination or position to which he applies ; or who is physically so disabled as to be rendered unfit for his performance of the duties of the position to which he seeks appointment or promotion ; or who is addicted to the habitual use of intoxicating beverages to excess ; or who has been guilty of a crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has intentionally made a false statement of any material fact, or practiced, or attempted to practice, any deception or fraud in his application, in his examination, or in securing his eligibility or appointment.

Character of
Applicants.

1900, ch. 16.

Appointment,
promotion,
removals, etc.

745F. In the appointment, promotion, reduction in rank, transfer or removal of any police officer or officers of police, or any detective by the Board of Police Commissioners for the City of Baltimore, and in their administration of the Police Department of Baltimore City, ecclesiastical and party ties shall not be regarded, so that the Police Department of said City may be entirely out of the fields of political and religious differences, controversies and influences. The said Board of Police Commissioners for the City of Baltimore shall confirm or reject all nominations for appointment or promotion of police officers, officers of police and detectives made to it, hereinbefore provided by the Board of Police Examiners of the City of Baltimore. Said Board of Police Commissioners shall not confirm the nomination or make the appointment or promotion of any police officer, officer of police or detective, except the marshal of police and captain of detectives, counsel and surgeons, whose name does not appear upon the graded lists to be furnished said Board of Police Commissioners by the said Board of Police Examiners for the City of Baltimore. All police officers, officers of police and detectives, secretaries, clerks and employes, other than counsel and police surgeons, of the police department of Baltimore City shall be retained on the force during good behavior and efficiency by the same Board of Police Commissioners of the City of Baltimore, and may be removed by the said Board of Police Commissioners for official misconduct or inefficiency, and then only after written charges preferred, specifying the time, place and character of such misconduct and inefficiency, and trial had before the Board of Police Commissioners, after reasonable notice thereof.

Graded lists.

Keyser *v.* Upshur, 92. Md. 729. Upshur *v.* Ward, 94 Md. 778. Upshur *v.* Hamilton, 95 Md. 567.

1874, ch. 458. P. L. L., (1888) Art. 4, Sec. 727. 1906, ch. 129.

Clerk to
Marshal.

746. They are authorized, empowered, and directed to select some suitable person to act as Clerk to the Marshal

of Police for said City, at a salary of twenty-eight dollars per week, payable semi-monthly ; and the said clerk upon entering upon the duties of his office shall enter into bond to the State of Maryland in the penalty of two thousand dollars, conditioned for the faithful discharge of his duties as such Clerk, the said bond to be approved by the said Board of Police Commissioners.*

Salary and
bond.

P. L. L., (1860) Art. 4, Sec. 818. 1867, ch. 367. P. L. L., (1888)
Art. 4, Sec. 728.

747. It shall be their duty to estimate annually what sum of money will be necessary for each current fiscal year to enable them to discharge the duty imposed on them, and they shall forthwith certify the same to the Mayor and City Council of Baltimore, who are required without delay, specifically to assess and levy such amount as shall be sufficient to raise the same clear of all expenses and discounts upon all the assessable property in the City of Baltimore, and cause the same to be collected as all other City taxes ; and it is made the duty of the City Collector of Baltimore, and he is required to collect said tax, to be denominated the police tax ; and the said Board of Police Commissioners, upon and after qualifying as such are authorized to make requisitions from time to time upon the Comptroller of the City of Baltimore, or other proper disbursing officer of the corporation, for such sums of money as they may from time to time deem necessary for the purpose of carrying out the objects and intentions of this

Annual esti-
mate of
expenses.

Levy.

Police Tax.

*NOTE.—Sec. 2 of ch. 129, Acts 1906, reads as follows:

Section 2. And be it further enacted, That all laws now in force relating to the Board of Police Commissioners of the City of Baltimore not included in this Act and not inconsistent herewith shall be and they are continued in force and effect until changed or repealed by the General Assembly of Maryland. All Acts or parts of Acts inconsistent with this Act are hereby repealed, and it is hereby expressly and distinctly understood and declared that this Act in no manner, shape or form increases or effects the pensions of the retired members of said police force who were retired or will be retired, prior to January 1st, 1907, but that they shall continue to receive the same amount or same pension they received prior to the said 1st day of January 1907 and no more.

Requisitions.

Certificates of indebtedness may be issued by Board whenever M. & C. C. fail to provide funds for department, or when inadequate provision is made.

Proviso.

sub-division of this Article ; provided, the same shall not exceed in any one year the amount so as aforesaid certified, or which may thereafter be certified for that year, to the Mayor and City Council of Baltimore aforesaid ; and in case the said disbursing officer shall not forthwith pay over the amount of each requisition as made, it shall be the duty of the said Board, and they are authorized and required to issue certificates of indebtedness, in the name of the Mayor and City Council of Baltimore, in such sum as they may deem advisable for the amount of such requisitions, respectively, bearing interest at six per cent. per annum, payable at not more than twelve months after date, and signed by a majority of said Board, and to raise the money on said certificates by pledging or disposing of the same ; which certificates shall be receivable at par in payment of City taxes, and be as binding on said corporation and as recoverable against it as if the Mayor and City Council of Baltimore had themselves issued the same ; and the Mayor and City Council of Baltimore shall have no power or authority to levy or collect any tax or appropriate any money for the payment of any police force other than that organized and employed under this sub-division of this Article ; and no officer or other employee of the said Mayor and City Council of Baltimore shall disburse any money therefor ; and the power of said Mayor and City Council to levy and collect taxes and appropriate and disburse money for the payment of the police force organized and employed under this sub-division of this Article shall be exercised as herein directed, and not otherwise ; and in case the amount so as aforesaid to be estimated by the said Board shall from any cause prove insufficient for the necessary expenses for the current year, the said Board is authorized and empowered to issue certificates and raise money therefrom, as hereinbefore provided, to meet the said exigency ; *provided*, however, that no additional issue shall exceed the sum of fifty thousand dollars in any one year, and that the amount thereof shall be added to the estimate, assessment and levy for the year next ensuing, and that the said certificates shall not be made payable at an earlier day than twelve months from the date of their issue, but may

be receivable in payment of City taxes at any time they may be so presented.

Mayor, etc. *v.* Poultney & Trimble, 25 Md. 18.

P. L. L., (1860) Art. 4, Sec. 816. 1867, ch. 367. P. L. L., (1888) Art. 4, Sec. 729.

748. It shall be the duty of the Sheriff of Baltimore Duty of Sheriff. City, whenever called on for that purpose by said Board, to act under their control for the preservation of the public peace and quiet, and if ordered by them to do so, he shall summon the *posse comitatus* for that purpose, and hold Posse Comitatus and employ such *posse*, subject to their discretion in case the said Board shall deem it necessary ; they shall call out such military force, lawfully organized or existing in said City, as they may see fit, to aid them in preventing threatened disorder or opposition to the laws, or in suppressing insurrection, riot or disorder, on election days, and at all other times ; and it shall be the duty of said military force so called out, to obey such orders as may be given them by said Board ; whenever the exigency or circumstances may in their judgment, warrant it, the said Board shall have the power to assume the control and command of all conservators of the peace in the City of Baltimore, whether sheriffs, constables, police or others, and they shall act under the orders of the said Board, and not otherwise ; and in case of the refusal of the said sheriff, or any policeman, constable, or other peace officer or persons, to obey any lawful command of said Board under the provisions of this section, they shall, respectively, be guilty of a misdemeanor and punishable as in such cases made and provided ; and any officer of any military force in the City of Baltimore, organized under any law now existing, or which may hereinafter be enacted by the General Assembly of this State, who, upon being called on by the said Board as aforesaid, shall refuse or wilfully fail to call out the force under his command, or to obey the orders of the said Board, or to enforce by all lawful means the performance of the duties to said force assigned ; and any inferior officer or private who shall refuse or wilfully fail to obey Board may assume supreme control of conservators of the peace. May call out militia. Penalty for disobedience of its orders.

the orders of his superior officer in such behalf, shall be guilty of a misdemeanor, and punishable as in such cases made and provided.

1867, ch. 367. P. L. L., (1888) Art. 4, Sec. 730.

Filling
vacancies.

Rules and
regulations.

Relief of
families.

Bond.

749. Whenever a vacancy shall take place in any grade of officers (except the marshal and deputy marshal), it shall be filled from the next lowest grade, if competent men can be found therein; the Board of Police Commissioners are authorized to make all such rules and regulations, not inconsistent with this sub-division of this Article, as they may judge necessary for the appointment and employment, uniforming, discipline, trial and government of the police and detectives, and for the relief and compensation of the members of the police injured in person and property in the discharge of their duty, and the families of men or officers killed while in its performance; *provided*, that the allowance in any one instance shall not exceed twelve month's pay; said Board shall have power to require of any policeman, officer of police or detective, bond with sureties, when they may consider it demanded by the public interest; all lawful rules and regulations of the Board shall be obeyed by the policemen and detectives, on pain of dismissal or such lighter punishment as may be prescribed by the said Board; and the said Board shall have power to suspend from duty, fine or forfeit the pay of any officer or policeman, or suspend any rule or regulation made and adopted by them.

P. L. L., (1860) Art. 4, Sec. 814. 1867, ch. 367. P. L. L., (1888) Art. 4, Sec. 731.

No extra com-
pensation to
police.

750. No officer of police, policeman or detective shall be allowed to receive any money as a gratuity or extra compensation for any services he may render, without the consent of the said Board; and all such moneys as any officer of police, policeman and detective may be so permitted to receive shall be paid over to the said Board and

together with the proceeds of all fines, forfeitures, penalties and unclaimed property which may come into the possession of the said Board, or be recovered by them under the provisions of this sub-division of this Article, or any other law, shall form a fund which the Board may apply towards the allowances of officers of police, policemen and detectives and their families, as hereinbefore authorized, and for extra pay to such members of the force as by gallantry and good conduct on extraordinary occasions they may be judged to merit; and any officer of police, policeman or detective who shall directly or indirectly in violation of this section, receive any moneys as a gratuity or extra compensation, and shall fail to deliver the same to the Board for the purposes, hereinbefore provided, and shall apply the same to his own use, shall be forthwith dismissed, and be forever after ineligible to any position in the force.

Police fund.

Penalty.

P. L. L., (1860) Art. 4, Sec. 821. 1874. ch. 146. P. L. L., (1888) Art. 4, Sec. 732.

751. The Board of Police Commissioners shall cause to be kept by their secretary, a full report of their proceedings, and also cause all their receipts and disbursements of money to be faithfully entered in books to be provided for that purpose; and said books, journals and all other documents in the possession of said Board, shall always be open to inspection by the General Assembly, or any committee appointed by it for that purpose; and it shall be the duty of the said Board to report to the General Assembly at each regular session, or as may hereafter be directed by said General Assembly, the number and expense of the police force employed by them under this sub-division of this Article, and all such other matters as may be of public interest in connection with the duties assigned to them; and said books, journals and other documents, and the vouchers for all payments by said Board of Police Commissioners shall at all times be open to the inspection of the Mayor and City Register, or either of them; and it

Full record of proceedings.

Records to be open to inspection.

shall be the duty of the Comptroller of the City of Baltimore to examine all bills and accounts presented by said Board of Police Commissioners and the vouchers therefor.

1867, ch. 367. P. L. L., (1888) Art. 4, Sec. 733.

Treasurer of
Board.

Bond.

Semi-annual
account.

752. The treasurer of the Board of Police Commissioners, before entering upon the duties of his office as such treasurer, shall, in addition to the bond given as Commissioner, enter into bond to the State of Maryland, with one or more sureties, in the penalty of ten thousand dollars, conditioned for the faithful discharge of the duties imposed upon him as treasurer, and the faithful application and payment over, pursuant to the order and direction of the said Board, of all moneys which may come into his hands as such treasurer; and shall, every six months, on the first day of January and July, in each and every year during his continuance in office, render to his associates in said Board, a true and faithful account of the receipts and disbursements of all moneys received and disbursed by him by order of the said Board, with the vouchers thereof during said period, which accounts shall be verified by the affidavit of said treasurer; and the said Board shall thereupon examine said account, and if they find the same to be correct, they shall certify said account, and forward the same to the Governor of the State, to be filed in the office of the Secretary of State; the said Board shall retain a copy thereof, with their certificate attached, to be filed among the papers of their office.

1867, ch. 367. P. L. L., (1888) Art. 4, Sec. 734.

Board may
close saloons.

753. The said Board of Police Commissioners are authorized and empowered, whenever in their judgment the public peace and tranquility may require, to order the closing temporarily of any and all bar rooms, bars, drinking houses and liquor shops, and all other places where liquor is usually sold in the City of Baltimore, and forbid the selling and furnishing of liquor thereat; and any proprietor or keeper, or any other person for such proprietor

or keeper, of any such drinking house, place or places, as well as all other places where liquor is usually sold, who shall refuse or fail to obey such order of said Board of Police Commissioners passed in pursuance thereof, or who shall sell or furnish liquor from any such place or places, during such period as said Board shall so forbid, shall be guilty of a misdemeanor; and it shall be the duty of each and every officer of police, policeman and detective, who may be cognizant of any violation of this section, to report the same to the Grand Jury of the City of Baltimore, if in session, and if not in session, then to the next Grand Jury that may be summoned for said City; and every officer of police, policeman and detective who shall willfully fail to make such report shall be forthwith dismissed from his position, and shall be forever after ineligible to any position in the police.

Reports
thereof.

State v. Strauss, 49 Md. 288.

1867, ch. 367. P. L. L., (1888) Art. 4, Sec. 735.

754. They are authorized and empowered to take possession of all property heretofore by law assigned to the former Board of Police, and to have and use a common seal; they may divide the City into such number of police districts as they may think necessary for the public good; and if found practicable, in addition to the station houses and property attached thereto, which they are authorized and empowered to take possession of and use, they may provide additional station houses, with all necessary appurtenances, as may be found needful and necessary, and such accommodations as may be requisite for the police force; said board shall also have the use of the fire-alarm and police telegraph in the City of Baltimore, and of all station houses, watch-boxes, arms, accoutrements and other accommodations and property provided by the City of Baltimore for the use and service of the police heretofore created by any act of the corporation of said City, as fully and to the same extent as if the same had been provided for the use of the Board created by this sub-division of this Article.

Take rights of
former police
force.

To use property
of City be-
longing to the
Police De-
partment.

1867, ch. 367. P. L. L., (1888) Art. 4, Sec. 736.

Police to report
property
seized or
found.

755. It shall be the duty of every officer of police, and every policeman and detective, to report to the Board, and deliver to them all property seized or found by said officer of police, policeman or detective, immediately after the same shall have come into their possession, which property, with the date of delivery and description of the same, and the name of the officer, policeman or detective depositing the same, shall be entered in a book by the secretary, to be provided for that purpose; said secretary shall have the custody of all such property, and shall be held responsible for the safe delivery of the same to the claimants, when ordered to do so in writing by the said Board, which order shall be his voucher; and any officer, policeman or detective who shall fail or refuse for a period of twenty-four hours to deposit all such property as aforesaid, shall be subject to removal by the said Board; and every officer, policeman or detective who shall willfully refuse to return all such property as aforesaid, or shall return the same to any claimant, shall be forthwith dismissed from office.

Upshur v. Mayor, 94 Md. 743.

1886, ch. 459. 1888, ch. 306. 1898, ch. 494. 1900, ch. 233. 1902, ch. 81.
P. L. L., (1888) Art. 4, Sec. 756.

Power given to
retire police-
men, etc.

756. In addition to the sums of money now authorized by law to be paid out of the fund so as above constituted and designated, the said Board of Police Commissioners are empowered whenever in their opinion the efficiency of service may require it, to retire any officer of police, policeman, detective, clerk or turnkey appointed by them and pay to him in monthly instalments out of said fund for life a sum of money equal to one-half of the amount of money monthly paid to such officer of police, policeman, detective, clerk or turnkey as provided by law; provided, however, he shall have served faithfully not less than sixteen years as such officer of police, policeman, detective, clerk or turnkey, or shall have been permanently disabled in the discharge of his duty as such officer of police, policeman, detective, clerk or turnkey, and the said board

shall in all cases before making such retirement procure and file away among their records a certificate of a competent and reputable physician that the person proposed to be retired has been thoroughly examined by him, and that he is incapable of performing active police duty; and it shall be the duty of any such officer of police, policeman, detective, clerk or turnkey so retired to perform such police duties, and at such times as the Board of Police Commissioners shall deem proper, said terms of service not to exceed seven days during any year, and for such services no extra compensation shall be allowed by said board; and the said board shall have the power in their discretion to suspend payment to any such officer of police, policeman, detective, clerk or turnkey for a term not to exceed three months for the first offense; for the second offense a term not to exceed six months, and for the third offense, any such officer of police, policeman, detective, clerk or turnkey shall be subject to dismissal upon proof given that the said officer of police, policeman, detective, clerk or turnkey is or has been in the judgment of the said board, living an improper or immoral life.*

Power given to
suspend pay-
ment.

1867, ch. 367. P. L. L., (1888) Art. 4, Sec. 738.

757. No Marshal of Police, or any of the captains of any of the districts or station-houses, or any one acting for or under them, or any of them, shall release any persons committed or confined in any of the station-houses for any felony or misdemeanor, but all such persons shall be released only on the order of the committing Justice, the Judge of the Criminal Court, or one of the members of the Board, or other lawful process.

Release only
on proper
authority.

Brish v. Carter, 98 Md. 452.

1867, ch. 367. P. L. L., (1888) Art. 4, Sec. 739.

758. The said Board of Police Commissioners are required on the requisition of the Board of Park Commissioners, to detail from time to time such number of the

*NOTE. - Construing this section in connection with section 756, P. L. L., (1888) Art. 4, it would appear that this section should follow section 776, post, such being the arrangement in Art. 4, aforesaid.

Park police.

regular police force of said City as the said Board may deem necessary for the preservation of order within any parks under their control, which detailed force shall have the same power in the premises that the police force of the City have, as conservators of the peace.

Upshur v. Mayor, 94 Md. 747.

P. L. L., (1860) Art. 4, Sec. 822. 1867, ch. 367. P. L. L., (1888) Art. 4, Sec. 740.

Effect on powers of M. & C. C. of B.

759. Nothing in this sub-division of this Article shall be so construed as to destroy or diminish the liability or responsibility of the Mayor and City Council of Baltimore for any failure to discharge the duties and obligations of said Mayor and City Council of Baltimore, or any of them, or give the said Mayor and Council of Baltimore any control over said Board or any officer of police, policeman or detective appointed thereby.

Baltimore v. Poultney, 25 Md. 31. *Altvater v. Mayor*, 31 Md. 462. *Flynn v. Canton Co.*, 40 Md. 312. *Sinclair v. Mayor*, 59 Md. 592. *Upshur v. Mayor*, &c. 94 Md. 743.

1898, ch. 474.

Police not to perform other than police duties.

§759a. No member of the police force provided for by this Article and sub-title shall be by the said Board of Police Commissioners employed or be permitted to be employed, to do or perform for the said Board, or the Mayor and City Council of Baltimore, any mechanical work or labor other than the work or labor required of the members of said police force by the provisions of this Article and sub-title relating to police duties. The purpose and object of this section is to prevent patrolmen and other members of said police force from being taken from the performance of police duty, as prescribed by this Article and sub-title, and made to perform the work and labor of carpenters, bricklayers and similar mechanical work and labor.

1867, ch. 367. 1892, ch. 536. P. L. L., (1888) Art 4, Sec. 741.

760. All persons arrested in the day-time under the provisions of this sub-division of this Article shall be taken by the officer making the arrest immediately before the nearest Police Justice for examination, except that all females and male children under fourteen years of age who may be arrested or taken into custody shall be taken before the nearest Police Justice for examination when there shall be matrons at the station house as hereinafter provided.

Immediate examination after arrest.

Brish v. Carter, 98 Md. 451.

1884, ch. 187. P. L. L., (1888) Art. 4, Sec. 742.

761. Whenever any person shall be arrested in the City of Baltimore, charged with any crime or misdemeanor, or for being drunk or disorderly, or for any breach of the peace, and shall be taken before any of the Police Justices of the Peace of the said City, and any such person shall be found to have concealed about his person any pistol, dirk-knife, bowie-knife, sling-shot, billy, brass, iron or any other metal knuckles, razor, or any other deadly weapon whatsoever, such persons shall be subject to a fine of not less than five dollars nor more than twenty-five dollars, in the discretion of the Police Justice of the Peace before whom such person may be taken, and the confiscation of the weapon so found, which said fine shall be collected as other fines are now collected; *provided*, however, that the provisions of this section shall not apply to those persons, who, as conservators of the peace, are entitled or required to carry a pistol or other weapon as a part of their official equipment.

Drunk or disorderly persons

Concealed weapons when arrested.

Proviso.

1890, ch. 534. P. L. L., (1888) Art. 4, Sec. 742A.

762. Every person in said City of Baltimore not being a conservator of the peace, entitled or required to carry such weapons as a part of his official equipment, who shall wear or carry any pistol, dirk-knife, bowie-knife, sling-shot, billy, sand-club, metal knuckles, razor or any other dangerous or deadly weapon of any kind whatsoever

Penalty for carrying concealed weapons.

(penknives excepted), concealed upon or about his person; and every person who shall carry or wear such weapons openly, with the intent or purpose of injuring any person, shall, upon conviction thereof, be fined not more than five hundred dollars, and be imprisoned not more than six months in the Jail or in the House of Correction; this section shall not release or discharge any person or persons already offending against the general law in such cases made and provided, but any such person or persons may be proceeded against, prosecuted and punished under the general law of this State as if this Article had not been passed.

1882, ch. 34. 1888, ch. 303. 1892, ch. 309. 1900, ch. 421. 1904, ch. 186.
P. L. L., (1888) Art. 4, Sec. 743.

Leave of ab-
sence for
policemen.

763. The said Board of Police Commissioners are authorized, empowered and directed to grant leave of absence, with pay, for a period of thirty days for each consecutive year of service to each of the officers of police, policemen and detectives of the regular force employed by the said board; nor shall any enforced absence, with leave, on account of sickness or death be deducted from the pay of any such officer of police, policemen or detective, or from their thirty days leave as herein provided for.

1892, ch. 309. P. L. L., (1888) Art. 4, Sec. 743A.

Additional
probation
officers.

764. The Board of Police Commissioners are hereby authorized and empowered to appoint and employ, in addition to the number now authorized by law, fifteen additional probation officers, said officers so appointed to hold their places and receive their pay under the provisions of law now in force and applicable to probation officers.

Matrons at the Station Houses.

1884, ch. 225. 1892, ch. 536. 1900, ch. 533. P. L. L., (1888) Art. 4, Sec. 744.

765. The Board of Police Commissioners of Baltimore shall appoint two suitable women as matrons at each of

the station-houses in said city, one for day and the other for night service and one suitable woman as superintendent of matrons for Baltimore City, and two additional suitable women as substitute matrons, and shall provide a furnished room at each of said station houses for them.

Appointment of
matrons and
superinten-
dent of ma-
trons.

1884, ch. 225. 1892, ch. 536. 1900, ch. 533. P. L. L., (1888) Art. 4, Sec. 745.

766. No woman shall be appointed as a matron or superintendent of matrons or substitute matron as aforesaid by the board unless she shall be recommended to said board, within three months preceding her appointment, by at least twenty women in good standing in said city in writing, as a suitable person for the position, and the said matrons and superintendent of matrons and substitute matrons shall be appointed to serve for four years, subject to removal for cause after a hearing by the said board, which is hereby vested with jurisdiction in the premises; provided, however, that said substitute matrons shall perform the duties of matrons when called upon by said board in the absence or disability of any of said matrons, or as necessity for their services may arise and shall only receive pay during the time of actual service rendered by them.

Recommendations required

Terms of service.

1884, ch. 225. 1892, ch. 536. 1900, ch. 533. P. L. L., (1888) Art. 4, Sec. 746.

767. The duties of each matron shall be to give such care and advice, and to perform such other police duties as may be requisite and proper, to the female persons, male children under fourteen years of age, and refugees in the station house for which said matrons shall have been appointed or signed; and the duties of the superintendent of matrons shall be to visit each of the police station houses twice each week, and to give assistance to the matrons in the performance of their duties, and to make such recommendations from time to time to the Board of Police Commissioners as may promote the efficiency and proper performance of the duties of the matron.

Duties of
matrons.

1884, ch. 225. 1892, ch. 536. 1900, ch. 533. 1902, ch. 492. P. L. L.
(1888) Art. 4, Sec. 747.

Salaries of ma-
trons and
superintend-
ent of ma-
trons.

768. Each of said matrons and substitute matrons when employed shall receive a salary of twelve dollars a week and the superintendent of matrons a salary of fifteen dollars a week, to be paid by the Mayor and City Council of Baltimore, and it shall be included in the annual estimate of the expenses by said Board of Police Commissioners, certified to the Mayor and City Council of Baltimore.

Militia.

1870, ch. 182. P. L. L., (1888) Art. 4, Sec. 748.

Command of,
when called
out by Board
or Sheriff.

769. Whenever the Board of Police Commissioners for the City of Baltimore, or the Sheriff of any county, shall call out any portion of the militia to aid in preventing threatened disorder or opposition to the laws, or in suppressing riot or disorder on election days, or at any other times, said military force shall be deemed to be on detached service while under the orders of the said Board or Sheriff; and the commanding officer thereof shall not be subject to the orders of any superior officer whatsoever, except the commander-in-chief.

Patrol Wagons

1886, ch. 459. P. L. L., (1888) Art. 4, Sec. 749.

Board to main-
tain.

770. The said Board of Police Commissioners are authorized and directed to construct, equip and maintain a telephone alarm and patrol wagon service, with all necessities, appliances and laborers; provided, however, the expenditures therefor will not impair the special fund mentioned in sections 576 and 777 of this Article, so as to prevent its sufficient application to the purposes provided for in said sections.

Physicians to the Police Force.

1888, ch. 150. 1904, ch. 630. P. L. L., (1888) Art. 4, Sec. 750.

771. The said Board of Police Commissioners for the City of Baltimore are authorized to appoint and commission Appointment. biennially five physicians of integrity and capacity, residents of Baltimore City, and who shall have practiced medicine therein for at least three years, next preceding the date of their commission, to act as physicians of the Police Department of said city, under such rules and regulations as the said Board may from time to time prescribe for their conduct; one of the said physicians shall be designated by the said Board as the chief physician.

1888, ch. 150. P. L. L., (1888) Art. 4, Sec. 751.

772. The duties of the said physicians shall be to ex- Duties. amine thoroughly all applicants for position in the police force of Baltimore City and to test their entire fitness in every respect for such position; to visit all policemen, turnkeys, detectives, officers of police and clerks of said force, who may be returned as sick, and to report their condition to the said Board, to visit and professionally attend any and all of the said persons who may be injured or disabled in their performance of their duties as members of the said force; to thoroughly examine and report to the said Board the physical condition of each and every member of said force, who may, upon his own application, or who the said Board may think should be retired from the said force and be pensioned under this sub-division of this Article and to perform all such other and further professional duties in connection with the said department and force as the said Board may from time to time deem necessary and prescribe for them.

1888, ch. 150. 1904, ch. 630. P. L., L., (1888) Art. 4, Sec. 752.

773. The salary of the said chief physician shall be fifteen hundred dollars per annum, payable monthly; and Salaries of chief physician and assistants. the salary of each of the other said physicians shall be one

thousand dollars per annum, payable monthly ; but the tenure of office of the said chief physician and each of the other of said physicians shall be determinable within the term for which he or they were appointed by a majority of the said Board, and in their exclusive discretion ; and the said chief physician and each of the other of said physicians shall be compensated only up to the time of such determination at the rate of his or their salary aforesaid.

Races.

1872, ch. 55. P. L. L., (1888) Art. 4, Sec. 753.

Police at race track.

774. For the purpose of preserving order and protecting property, the Police Commissioners of the City of Baltimore are authorized, upon the request of the President of the Maryland Jockey Club, to detail such force as they may deem sufficient for the preservation of order during any exhibition of the said club, which detailed force shall have the power that the police of the City have as conservators of the peace.

Registration of Voters

1876, ch. 249. P. L. L., (1888) Art. 4, Sec. 754.

Police at registration offices

775. The board of Police Commissioners for Baltimore City, upon the written request of the Registers of voters, shall detail police officers sufficient to preserve order at the place where the officers of registration in Baltimore City are discharging the duties of their office.

Special Fund.

1886, ch. 459. P. L. L., (1888) Art. 4, Sec. 755.

What shall constitute.

776. All sums of money which are now in or which may hereafter come into the hands of the Board of Police Commissioners for the City of Baltimore, under and by virtue of the provisions of existing laws, except such sums as may come into their hands under and by virtue of the provisions of section 747, shall constitute a fund to be known and accounted for as the special fund.

1900, ch. 266.

776A. The Board of Police Commissioners of the City of Baltimore, and their successors, shall be the trustees of the special fund hereinafter mentioned. The Treasurer of said Board shall be Treasurer of the fund. He shall before entering upon his duties as Treasurer thereof execute and deliver to said Board a bond in the penal sum of five thousand dollars, to be approved by Comptroller of the City of Baltimore, and conditioned for the faithful discharge of his duties, and that he shall pay over and account for all moneys and property which shall come to his hands as such Treasurer, the expense of such bond, if furnished by a corporation, to be paid out of the special fund. Such trustees shall have charge of and administer such funds, and from time to time invest the same, or any part thereof, as they shall deem most beneficial to said fund, and they are empowered to make all necessary contracts, and take all necessary and proper actions and proceedings in the premises, and to make payments from such fund of salaries granted in pursuance of this Act, and also salaries now charged on said fund or any part thereof by or under existing laws. The said trustees may, and they are authorized and empowered from time to time to establish such rules and regulations for the disposition, investment, preservation and administration of the special fund as they may deem best. They shall report in detail to the Mayor and City Council annually in the month of October the condition of the special fund, and the items of receipts and disbursements on account of the same.

Trustees.

Treasurer.

Bond.

Annual report
on fund to M.
& C. C.

1900, ch. 266.

776B. The moneys, securities and effects of the special fund and all salaries granted and payable from said fund shall be and are exempt from execution and from all process and proceedings to enjoin and recover the same by or on behalf of any creditor or person having or asserting any claims against, or debt or liability, of any sharer of said fund; every person who knowingly or wilfully in anywise procures the making or presentation of any false or fraudulent

Exempt from
execution.

Fraud.

affidavit or affirmation concerning any claim for a share or payment thereof, shall in every case forfeit a sum not exceeding two hundred dollars, to be sued for and recovered by and in the name of the said trustees, and when recovered to be paid over to and thereupon become a part of the said special fund. Any person who shall wilfully swear falsely in any oath or affirmation in obtaining or procuring any shares or payment thereof, under the provisions of this Act, shall be guilty of perjury.

1900, ch. 266.

776C. The said special fund shall consist of :

1. The capital, interest, income, dividends, cash deposit, securities and credit of the special fund now in existence, with additions thereto from time to time of :

2. All fines and forfeitures imposed by the Board of Police Commissioners from time to time upon or against any member or members of the police force ; and of :

3. All rewards, fees, gifts, testimonials and emoluments that may be presented, paid or given to any member of the police force on account of police services, except such as have been or shall be allowed by the Board of Police Commissioners to be retained by the said members, and also all gifts or bequests which may be made to the said special fund, or to the said Police Board as trustees thereof.

What monies
shall consti-
tute the fund.

4. All lost, abandoned, unclaimed, or stolen money remaining in possession of the Secretary of the Board of Police Commissioners for the space of one year, and for which there shall be no lawful claimant, and all moneys arising from the sale by the said Secretary or said Board of unclaimed, abandoned, lost or stolen property, and all moneys realized, derived or received from the sale of any condemned, unfit or unserviceable property belonging to or in the possession or under the control of the Police Department, and of :

5. All moneys, pay, compensation or salary or any part thereof, forfeited, deducted or withheld from any member or members of the police force on account of absence for

any cause, lost time, sickness or other disability, physical or mental, to be paid monthly by the Treasurer of the Board of Police Commissioners to the special fund.

6. All moneys derived or received from license, certificates, or permits, hereafter authorized by the Mayor and City Council under the general powers granted by Chapter 123, of the Acts of the General Assembly of Maryland, Session 1898, title "City of Baltimore", sub-title "Charter", sub-title "General Powers", sub-title "License", which are required to be issued and collected by the Police Department.

7. Any sum hereafter allowed out of or share of liquor license moneys specially appropriated to said special fund and derived from the granting of licenses or permission to sell strong or spirituous liquors, ale, wine or beer, and such sum, sums, share or shares shall be paid in to the Treasurer of the special fund by the person or officer having the legal custody thereof.

8. All moneys derived or received from the granting or issuing the permits, or the giving of permission to give public dances, soirees, masked balls, boxing or athletic contests, circus or tent shows, or any of them, in the City of Baltimore ; also the sum of five dollars for each and every permit granted by the Board of Police Commissioners under Section 653P, Chapter 343, of the Acts of the General Assembly of Maryland, session of 1890, for the sale of liquors at *bona fide* entertainments.

9. A sum of money equal to but not greater than two per centum of the semi-monthly pay, salary or compensation of each member of the police force entitled to participate in the special fund, which sum shall be deducted every pay day by the Treasurer of the Board of Police Commissioners from the pay, salary or compensation of each and every member of the police force, and the said Treasurer of said Board is hereby authorized, empowered and directed to deduct the said sum of money as aforesaid and forthwith to pay the same to the Treasurer of the trustees of the special fund ; *provided*, however, that it shall be optional with any member of said police force to contribute the said two per centum of his salary as above

provided, and participate in the benefits of the special fund; and *provided further*, that no member of said force shall participate in said special fund unless he contributes to said fund as aforesaid.

10. And any and all unexpended balances of appropriation or amounts estimated, levied, raised or appropriated for the payment of salaries or compensation of members of the police force within said City of Baltimore remaining unexpended or unapplied after allowing all claims payable therefrom, said balances to be paid to special fund at any time after the expiration of the year for which the same were made and appropriated.

Deficiency in
fund.

11. In case the amount derived from the different sources mentioned and included in this section, and from the special fund, without deducting charges for patrol services, police-boat and new station houses, shall not be sufficient at any time to enable the Board of Police Commissioners to pay in full the salaries which have been or may hereafter be granted, which said salaries shall at all times be a first charge on said funds, it shall be the duty of the said Board each year at the time of making up the departmental estimate to prepare a full and detailed statement of the assets of said special fund, and the amount which is required to pay in full all such salaries, and to present the same to the Mayor and City Council and the Board of Estimates, together with a statement of the amount of money required to enable the said Board of Police Commissioners to pay the said salaries in full. It shall be the duty of the Mayor and City Council and said Board of Estimates to make an appropriation sufficient to provide for each deficiency, and the amount so appropriated shall be included in the tax levy, and the Comptroller shall pay over the money to the treasurer of the special fund.

How provided
for.

May receive
bequests.

12. And the said Board of Police Commissioners, as trustees, of the special fund, is hereby authorized and empowered to take and hold as trustees of such fund any and all gifts or bequests which may be made to such fund.

1900, ch. 269. 1902, ch. 514. 1906, ch. 267.

§776C, a. No public dances, soirees, mask balls, boxing or athletic contests, or other public entertainment of like kind, to or for which an admission fee shall be charged, shall be held, given or permitted in the City of Baltimore, except upon condition that a license or permit fee of not less than \$5.00 nor more than \$100.00 shall first be paid to the Secretary of the Board of Police Commissioners who are authorized to demand and receive the same for the benefit of the Special Fund, *provided*, that nothing herein contained shall interfere with any permits authorized, issued or collected by the authority of the Mayor and City Council of Baltimore. Any person or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$5.00 nor more than \$100.00. Provided, however, that this Act is not intended to apply to regular dancing schools where the art is regularly taught and where dancing parties are given in connection with the scheduled classes on stated nights from 8 to 12 o'clock and where no liquors are sold or dispensed. That all owners or managers of regular dancing academies or places used for instruction in the art of dancing shall pay an annual license fee of five dollars for such privilege.

Additional revenues for said fund from permit fees for public dances, soirees, masked balls, boxing or athletic contests, etc.

Permit fees.

Penalty for failure to secure permit.

Regular dancing schools excepted.

Annual license for such schools.

1900, ch. 266.

776D. The Board of Police Commissioners shall have power in its discretion to pay to the widow of any member of said police force within the limits of said City who shall have been killed while in the actual performance of duty, or shall have died in consequence of injuries received while in the discharge of duty an allowance until she remarries. If there be no widow, but a child or children, then to pay such child or children whilst under the age of eighteen years, a sum such as parent would have been entitled to out of said special fund,

Allowance to widows.

1900, ch. 266.

Salaries under
certain Acts.

776E. Salaries granted under Chapter 494*, of the Acts of the General Assembly of Maryland, passed at the January session 1898, and all other salaries granted by special Acts shall be for the natural life of the retired or disabled officer, and shall not be revoked, repealed or diminished except for causes therein provided.

1900, ch. 266.

Certificate of
disability.

776F. No member of the police force, whether policeman, officer of police, detective, clerk, turnkey, or in any other capacity, shall be granted, awarded or paid a retiring salary on account of physical or mental disability or diseases, except upon certificates of so many of the police surgeons or other competent and reputable physicians as the Board of Police Commissioners may require, which shall set forth the cause, nature and extent of the disability, disease or injury of such member, shall be filed in the office of the Board, and no member shall hereafter be retired upon salary or be salaried, nor shall any money or salary be awarded, granted or paid except as provided in this Chapter, and Chapter 494, of the Acts of the General Assembly of Maryland, passed at the January session, 1898, any other law to the contrary notwithstanding. The said Board of Police Commissioners is authorized and empowered to make and adopt all such rules, orders and regulations as are or may be necessary to carry out and enforce the provisions of this Act.

1886, ch. 450. 1888, ch. 306. P. L. L., (1888) Art. 4, Sec. 756.

Pensions to-
retired police.

777. In addition to the sums of money now authorized by law to be paid out of the fund so as above constituted and designated, the said Board of Police Commissioners are empowered, whenever, in their opinion, the efficiency of the service may require it, to retire any officer of police, policeman, detective, clerk or turnkey, appointed by them, and pay him in monthly instalments out of said fund, for

*NOTE.—Section 756 of this Article, *ante*.

life, a sum of money not to exceed one-half of the amount of money monthly paid to him as such officer of police, policeman, detective, clerk or turnkey at the time of his said retirement; *provided*, however, he shall have served faithfully not less than sixteen years as such officer of police, policeman, detective, clerk, turnkey, or shall have been permanently disabled in the discharge of his duty as such officer of police, policeman, detective, clerk or turnkey; and the said Board shall in all cases, before making such retirement, procure and file among their records a certificate signed by a majority of the physicians appointed by the Board of Police Commissioners as physicians of the Police Department, that the person proposed to be retired has been thoroughly examined by them, and that he is incapable of performing active police duty; and the said Board of Police Commissioners shall have power, in their discretion to suspend payment to any such officer of police, policeman, detective, clerk or turnkey for a term not to exceed three months for the first offence, for the second offence for a term not to exceed six months, and for the third offence, any such officer of police, policeman, detective, clerk or turnkey shall be subject to dismissal, upon proof given that the said officer of police, policeman, detective, clerk or turnkey, is living an improper or immoral life.*

Proviso as to service.

Penalty for immoral living

1906, ch. 456.

777A. The said Board of Police Commissioners are hereby authorized, empowered and directed to include the Superintendent of Matrons and the Matrons of the several station houses of Baltimore City within the provisions of Section 777 of this Article so that they may enjoy the same rights and privileges and benefits, subject to the same limitations and conditions as are therein prescribed and conferred for the retiring of the members of the Police Force for the said City of Baltimore; *provided*, however, that the said Superintendent of Matrons and the

Conditions under which police matrons are made beneficiaries of said fund.

*NOTE.—See Section 756, *ante*.

Matrons of the several station houses of Baltimore City within the provisions of Section 777 of this Article shall pay into the Special Fund the sum of ten dollars (\$10.00) per annum for the next succeeding three years in addition to the regular percentage required under the special pension Act.

1906, ch. 777.

Secretary and Assistant Secretary of Board also to participate in benefits of said fund.

777B. The said Board of Police Commissioners are hereby authorized, empowered and directed to include, the Secretary of the Board, and the Assistant Secretary of the Board, within the provisions of Section 777 of this Article, so that they may enjoy the same rights and privileges and benefits subject to the same limitations and conditions, as are therein prescribed and conferred for the retiring of the members of the Police force for the said City of Baltimore, provided, however that the Secretary shall first contribute the sum of three hundred dollars, payable in three annual installments of one hundred dollars each or all cash at his option to the said "Special Fund," hereinbefore provided for, and the Assistant Secretary to the Board the sum of one hundred and fifty dollars payable in the same manner.

1900, ch. 263.

Appropriation for relief of members of force and for relief of widows and children.

\$777B,a. The Mayor and City Council of Baltimore shall, upon the request of the Board of Police Commissioners of the City of Baltimore, appropriate annually a sum of money for the relief of disabled and superannuated members of the Police force of Baltimore City, and for the relief of Widows and Children of Policemen who may be killed in the discharge of duty, whenever the special fund of said Board of Police Commissioners is not sufficient for the payments authorized by and under the Acts of the General Assembly heretofore passed.

P. L. L., (1888) Art. 4, Sec. 756A. 1892, ch. 356.

778. The Board of Police Commissioners for the City of Baltimore are authorized to pay out of the special fund

mentioned in section 776 of this Article, the cost of the maintenance and operation of the police patrol boat recently built, and manned by said Board under authority conferred by law on said Board, including therein the wages of engineers and firemen of said boat ; and said Board are authorized to appoint on its force two officers for said boat, who shall be styled commander and first officer, respectively, of the police patrol boat, and shall have the rank and pay of Lieutenants of Police of the City of Baltimore.

Police patrol
boat.

1892, ch. 356. P. L. L., (1888) Art. 4, Sec. 756B.

779. The Board of Police Commissioners for the City of Baltimore are hereby authorized, out of the special fund mentioned in section 776 of this Article, to pay the purchase money of the ground needed for the erection of station houses hereafter required for the uses of said Board, and also the cost of the erection and repair of said station houses.

New station
houses.

1892, ch. 1. P. L. L., (1888) Art. 4, Sec. 756D.

780. The Board of Police Commissioners for the City of Baltimore are hereby authorized and directed to pay to James M. Moore, a retired patrolman of the police force of Baltimore City, out of a fund in the hands of said Board of Police Commissioners known and accounted for as the special fund, the sum of twelve dollars per week for his life, in lieu of the sum of six dollars per week now paid said James M. Moore by said Board of Police Commissioners, under and by authority of an Act of the General Assembly of Maryland (Chapter 459, Laws of Maryland, eighteen hundred and eighty-six), entitled "An Act to define a fund of money now in the hands, or which under existing laws may come into the hands, of the Board of Police Commissioners for the City of Baltimore, and to provide for its application," approved April 7th, eighteen hundred and eighty-six.

Pension to
James M.
Moore.

Long Bridge.

1892, ch. 356. P. L. L., (1888) Art. 4, Sec. 756c.

Jurisdiction
over Long
Bridge.

781. The jurisdiction and authority of the Board of Police Commissioners for the City of Baltimore is hereby declared to extend to and over the bridge across the Patapsco river, known as the Long Bridge or Light Street Bridge; and said Board and their police force shall on and under said bridge, preserve the public peace, prevent crime, arrest offenders, protect the rights of persons and property, and prevent and remove nuisances; provided, however, that if any crime be actually committed by any person who shall be arrested by said police, the offender shall be delivered to the proper jurisdiction for trial and punishment.

Telegraph to House of Correction.

1882, ch. 156. P. L. L., (1888) Art. 4, Sec. 757.

Mayor and City
Council may
maintain.

782. The Mayor and City Council of Baltimore shall keep and maintain, at their own proper cost and expense, the line of telegraph from the House of Correction, in Anne Arundel County, to the police headquarters in Baltimore City, transferred to them by the Board of Public Works, and are invested with all the rights and privileges granted to telegraph companies under the General Incorporation Laws of the State in the working and maintenance of this line.

Thieves and Pickpockets.

1864, ch. 38. P. L. L., (1888) Art. 4, Sec. 758.

Arrest of, at
depots and
public places.

783. It shall be the duty of all police officers in Baltimore City to arrest and take before some one of the station house Justices in Baltimore City, all persons whom they shall find in any passenger railway car, or in or about any railway depot in Baltimore City, or in any place of public amusement, or in any street of the City, who they shall know or have good reason to believe are common thieves or pickpockets, and said Justices shall commit or bail such

person for trial before the Criminal Court ; and if any person in Baltimore City shall be charged on oath before any station house Justice of the Peace in Baltimore City, or before the Judge of the Criminal Court, with being a common thief or pickpocket, such Justice or Judge shall issue a warrant for the arrest of such person, and commit or bail him for trial ; and any person convicted in the Criminal Court of Baltimore of being a common thief or common pickpocket, shall be imprisoned in jail not more than two ^{Penalty.} years nor less than six months, and be fined not more than one hundred dollars ; but if any person is arrested a second time, or more, for such offence, he shall be convicted only on proof that he has continued to be a common thief or ^{Common thieves.} pickpocket for at least one month since his last conviction or acquittal, and it shall be necessary to charge in the indictment only that the person is a common thief or common pickpocket ; and any evidence, either of facts or reputation proving that such person is habitually and by practice a thief or pickpocket shall be sufficient for his conviction, if satisfactorily establishing the fact to the court or jury by whom he is tried ; and there shall be no discretion in ^{Duty of Justice of the Peace.} any police officer or Justice of the Peace to discharge or release any person who is by such proof before them, or knowledge on their part, shown to be a thief or pickpocket as aforesaid, but such person shall be bailed or committed for trial, and no conviction or charge of, or for being a common thief or pickpocket, shall prevent any such person from being tried and convicted for any particular act of larceny he may have committed.

World v. State, 50 Md. 49.

1864, ch. 38. P. L. L., (1888) Art. 4. Sec. 759.

784. If any person shall be arrested at any place on the line of the Baltimore and Ohio Railroad, or on the line of the Northern Central Railroad, or on the line of the Philadelphia, Wilmington and Baltimore Railroad, or in any of the cars or depots, or at any of the stations on said roads, or on any ferry-boat employed to carry passengers over any part of said road, and within the limits of this State, charged ^{Arrests of, on property or premises of railroads, etc.}

with being a common thief or pickpocket, such person may be taken before any Justice of the Peace of the county in which said place or depot or station may be situated ; or if such person be arrested in any car, or on any ferry-boat, before any Justice of the Peace of the nearest convenient county or any station house Justice of the City of Baltimore ; and such Justice shall, on proof, as provided in the preceding section, commit or bail such person for trial before the Circuit Court of the county or the Criminal Court of Baltimore, as the case may be ; and all police officers of Baltimore City, and all conductors of trains and police employed by any of said railway companies, and all constables and bailiffs of any county or city on the lines of said road, shall arrest all such persons at any of the places aforesaid, on the same knowledge and proof of their being common thieves or pickpockets as provided in the preceding section, and the said Justice shall commit or bail such person on the same knowledge or proof ; and any person convicted in any county on the line of said roads of being a common pickpocket, shall be punished by a fine or imprisonment in the jail of the county for the same time and in the same amount as provided in the preceding section ; and all the provisions of the preceding section shall apply to all cases under this section, except so far as altered by this section.

Bail, trial, etc.

Police and employes to make arrests.

Proof and penalty.

Personating Policemen.

1890, ch. 504. P. L. L., (1888) Art. 4, Sec. 759A. 1902, ch. 319.

785. It shall be a misdemeanor, punishable by imprisonment in the jail of Baltimore City for not more than one year, or by fine of not less than five dollars for any person not a member of the police force of Baltimore City, sheriff or deputy sheriff of Baltimore City, to falsely represent himself as being such member, sheriff or deputy sheriff with fraudulent design upon person or property, or upon any day or at any time to have, use, wear or display, without the authority of the Board of Police Commissioners or sheriff of Baltimore, any shield, button, wreath, number or any other insignia or emblem of office

Misdemeanor to impersonate policeman.

such as are worn by the police force, sheriff or deputy sheriff of said City.

New Station Houses.

1892, ch. 185. P. L. L., (1888) Art. 4, Sec. 759A.

786. The Board of Police Commissioners are authorized and empowered to purchase or lease ground in the twenty-first and twenty-second wards in the City of Baltimore, or either of them, as may be suitable in their judgment for the erection of a station house or houses thereon, and they are hereby authorized and empowered to have erected thereon such station house or houses as they may deem suitable and proper.

To acquire
ground for, in
annex.

1892, ch. 185. P. L. L., (1888) Art. 4, Sec. 759B.

787. The title to said lot of ground and the improvements thereon, shall be vested in the Mayor and City Council of Baltimore City.

Title to ground.

1892, ch. 185. P. L. L., (1888) Art. 4, Sec. 759C.

788. The purchase of said ground, and the cost of erection of said station-house or station-houses, shall be paid by the said Board of Police Commissioners out of their special fund.

To pay for from
special fund.

PRATT FREE LIBRARY.

1882, ch. 181. P. L. L., (1888) Art. 4, Sec. 760.

789. It shall be the duty of the Mayor to appoint a visitor, who shall, as often as once a year, examine the books and accounts of the Trustees of the "Enoch Pratt Free Library of Baltimore City", and make a report thereof to the Mayor and City Council of Baltimore; and said Mayor and City Council shall, in case of any abuse of their powers by said Trustees or their successors, have the right to resort to the proper courts to enforce the performance of the trust imposed on them.

Appointment
of Visitor.

1900, ch. 221.

To receive
bequests.

§789a. The Enoch Pratt Free Library of Baltimore City is hereby empowered to receive any gifts, bequests, devise or conveyance of real or personal property, which may be made to it or to its Trustees, and to hold the title to said property, and from time to time convey the same by deed or otherwise, according to the nature thereof, to the Mayor and City Council of Baltimore, for the use of said library, so that the title thereto shall be vested in the said Mayor and City Council of Baltimore, in the like manner and for the same uses as the property mentioned in the original Act incorporating said library, passed at the January Session, 1882, Chapter one hundred and eighty-one, subject to the same management and control.

1882, ch. 181. P. L. L., (1888) Art. 4, Sec. 761.

Exempt from
taxes.

790. The real estate and personal property vested in said Mayor and City Council by virtue of the Acts of 1882, chapter 181, authorizing the establishing of the Enoch Pratt Free Library of Baltimore City, and to become vested by future purchases under the provisions of said Act, and the funds and franchises of the "Enoch Pratt Free Library of Baltimore City," shall be exempt from all State and municipal taxes, forever.

RAILROADS.

Safety Gates.

1884 ch. 420. P. L. L., (1888) Art. 4, Sec. 763.

Safety gates at
street cross-
ings.

791. All railroad companies whose tracks cross any street in Baltimore City at grade, are required to place, erect and keep in operation and repair, safety gates at all such street crossings in said City, which said gates shall be closed on the approach of any and every train of cars or

locomotive, and kept closed until the said cars or locomotive have completely passed said street crossings.

Textor v. B. & O. R. R. Co., 59 Md. 63. **B. & O. R. R. Co. v. Stumpf*, 97 Md. 89. **Jenkins v. B. & O. R. R. Co.*, 98 Md. 404. *See also*, *N. C. Ry. Co. v. Gilmore*, 100 Md. 404.

1884, ch. 420. P. L. L., (1888) Art. 4, Sec. 764.

792. Any railroad company violating the provisions of the foregoing section shall be liable to a fine of fifty dollars for each crossing, and for every day on which said safety gates are neglected to be erected or operated; said fine to be collected as other fines are now collected. Penalty.

1902, ch. 615, Sec. 1.

§792a. No railroad company incorporated by or under the authority of this State, or doing business therein, shall issue, sell or receive tickets for passage through the City of Baltimore, or make agreement or agreements with any other railroad company or companies outside of this State to issue or sell tickets for passage over their respective lines through the City of Baltimore, unless there is a coupon on said ticket for passage from a given place in or out of this State to the City of Baltimore, and another coupon on said ticket from the City of Baltimore to a given place in or out of this State. Tickets to be issued shall have coupon attached.

1902, ch. 615, Sec. 2.

§792b. In issuing or selling all tickets for passage in this State through the City of Baltimore, or making agreements with other railroad companies outside of this State to issue or sell tickets for passage through the City of Baltimore, the said tickets shall permit the holders thereof Stop-over at Baltimore granted.

MEMORANDUM.—In the recent case, *Klein v. U. Rys. & Electric Co.*, Daily Record, January 4, 1906, it was held that the use of large cars swinging 2 feet 2 inches over the sidewalk, is not an unlawful use and does not interfere with access to property of abutting owner, and is not an additional servitude.

to a stop-over privilege of at least forty-eight (48) hours in the City of Baltimore; *provided*, that nothing in this section shall prohibit railroad companies from issuing and selling tickets without this stop-over privilege in the City Baltimore, for special occasions, when the tickets for passage are good only on excursion trains not on the regular schedule of the railroad.

1902, ch. 615, Sec. 3.

Must stop at
least three
minutes at
principal
station.

§792c. All passenger trains passing through the City of Baltimore must stop at least three minutes at the principal station of the company operating said trains, and the stoppage of all trains must be announced in such manner as will give passengers ample opportunity to get off.

1902, ch. 615, Sec. 4.

Penalty for
violation.

§792d. Any manager, officer, agent, conductor, or employe, who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon indictment and conviction thereof shall be fined not less than one hundred dollars, nor more than five hundred dollars for each offense, one-half of said fine to go to the informer.

Hours of Labor.

1886, ch. 163. P. L. L., (1888) Art. 4, Sec. 765.

Limited to
twelve.

793. No street railway company incorporated under the laws of this State, and no officer, agent or servant of such corporation, and no person or firm owning or operating any line or lines of street railways within the limits of this State, and no agent or servant of such firm or person shall require, permit or suffer its, his or their conductors or drivers, or any of them, or any employes in its, his or their service, or under his, its or their control, to work more than twelve hours during each or any day of twenty-four hours, and shall make no contract or agreement with such employes, or any of them, providing that they or he shall work for more than twelve hours during each or any day of twenty-four hours.

1886, ch. 163. P. L. L., (1888) Art. 4, Sec. 766.

794. Any corporation which shall in any manner violate any of the provisions of the preceding section shall be deemed to have misused or abused its corporate powers and franchises, and the Attorney-General of the State, upon the application in writing, made by any citizen of this State, accompanied by sufficient proof of such violation, shall forthwith, without further authorization, institute proceedings for the forfeiture of the charter of such corporation, by petition in the name of the State, in the manner provided by the laws of this State for the enforcement of the forfeiture of the charter of any corporation which has abused or misused its corporate powers or franchises.

Attorney General to proceed against charter for violation.

1886, ch. 163. P. L. L., (1888) Art. 4, Sec. 767.

795. If any corporation, or any officer, agent or servant of such corporation, or any person or any firm managing or conducting any street railway in this State, or any agent or servant of such person or firm, shall do any act in violation of the provisions of section 793, it, he or they shall be deemed to have been guilty of a misdemeanor, and shall, on conviction thereof in a court of competent jurisdiction, be fined one hundred dollars for each offence so committed, together with the costs of such prosecution.

Penalty.

Street Railway Fares.

1882, ch. 229. P. L. L., (1888) Art. 4, Sec. 768. 1900, ch. 313.

796. The United Railways & Electric Company of Baltimore, its successors and assigns, shall charge five cents, and no more, as a fare for the conveyance of each passenger over twelve years of age, and three cents, and no more, for each child between the ages of four and twelve years, from any point on any of its lines to any other point on such lines within the City of Baltimore; *provided*, that such Company shall give a free transfer, when the same shall be requested, upon the payment of each cash

Rates of fare.

fare, which transfer shall be good at all points of intersection of lines of said railway for a continuous ride, except at such points on said lines where such form a route so as to permit a passenger to return in the same general direction of the line upon which the transfer was issued, the privilege of transfer not to apply to the terminus of any line or route; *provided*, that nothing in this Act shall be construed to affect any of the interests of the Mayor and City Council of Baltimore in the said United Railways and Electric Company of Baltimore; or any of the railways consolidated under the corporate name.

Garrison v. U. Rys. Co., 97 Md. 350.

Park Tax.

1882, ch. 229. P. L. L., (1888) Art. 4. Sec. 769.

Tax on gross
receipts.

797. The said several passenger street railway companies shall pay to the Mayor and City Council of Baltimore, a tax upon their gross receipts of nine per cent., in quarterly instalments, on the first day of January, April, July and October, in each year.

Union Pass. Ry. Co. v. Baltimore, 71 Md. 238. Park Tax Case, 84 Md. 1.

P. L. L., (1888) Art. 4. Sec. 769A. 1894, ch. 550.

Board may ex-
amine ac-
counts of
Railway
Companies.

798. The Board of Park Commissioners, or any agent or agents of the said Commissioners, authorized in writing by a certificate signed by the president and secretary thereof, shall have authority and power from time to time, and at any time the said Board of Park Commissioners see fit, to make examination of the books, accounts and car fare registers of any or all of the street railway companies in the City of Baltimore, for the purpose of satisfying said Board of Park Commissioners that returns of the "park tax" are fairly and correctly made by said companies, and by each and every one of them; and any street railway company whose officers shall neglect or refuse, on demand of said Board of Park Commissioners, to permit the said

Commissioners or any agent or agents of said Commissioners authorized in writing as above prescribed, to at any time inspect its said books, accounts and carfare registers or any of them, shall forfeit and pay a fine of one hundred dollars for each and every day it shall so neglect or refuse to comply with such demand; said penalty to be collected by an action of debt in the name of the Mayor and City Council of Baltimore.

Park Tax Case, 84 Md. 1.

P. L. L., (1888) Art. 4, Sec. 769B. 1894, ch. 550.

799. On default of any of the street railway companies operating street railway lines within the present City limits, in the payment of the park tax of nine per centum of the gross receipts from all street railway lines within the present City limits, for the term of ten days after the expiration of any quarter, the company or companies so in default shall pay a penalty at the rate of thirty per cent. per annum, on the amount due from it, for the time it shall continue in default; said penalty to be recovered by an action of debt, in the name of the Mayor and City Council of Baltimore.

Penalty for default as to park tax.

Park Tax Case, 84 Md. 1.

P. L. L., (1888) Art. 4, Sec. 769C. 1894, ch. 550.

800. If any officer, agent or employe of any street railway company within the City of Baltimore shall knowingly, wilfully and corruptly certify to the Board of Park Commissioners a less sum than is actually due as the park tax of nine per centum of the gross receipts from the lines of such company within the City limits, he shall be guilty of a misdemeanor, and on conviction thereof shall suffer imprisonment for not more than six months in jail, or pay a fine of not more than one thousand dollars, or both, in the discretion of the Court.

False certification.

Park Tax Case, 84 Md. 1.

Railway Easements in Annex.

1906, ch. 566, Sec. 1.

Provisions for modification of park tax in the event of the acquisition by the city of certain easements now owned by United Railways & Electric Company in streets in the Annex, in event of said railway company applying for franchises in said streets.

§800a. In the event that the existing street railway, franchises easements, interests or rights of the United Railways and Electric Company of Baltimore in any of the roads within the limits of that part of Baltimore City known as the annex as to which roads the said Street Railway Company is not legally liable to the payment of the park tax hereinafter mentioned or in any part or parts of said roads or any of them, shall in any manner, be acquired by the Mayor and City Council of Baltimore pursuant to the authority conferred upon it by Chapter 274 of the Acts of the General Assembly of Maryland for the year 1904 and ordinance of the Mayor and City Council of Baltimore No. 216, approved March 11, 1905, or by any other laws or ordinances relating to the powers and duties of the Commissioners for Opening Streets under said Acts and application or applications shall afterwards be made by the United Railways and Electric Company of Baltimore, to the Mayor and City Council of Baltimore, subject to the provisions of Sections 7-12 both inclusive and Section 37 of Article 4, entitled "City of Baltimore" of the Code of Public Local Laws of Maryland, for the franchise or right to use the beds of said roads, or any of them, for its railway lines, and the ordinance or ordinances, making said application, or applications, shall be duly passed by the Mayor and City Council of Baltimore, then with the consent of the Board of Estimates, expressed in said ordinance or ordinances, the park tax of nine per centum upon the gross receipts of passenger street railway companies in the City of Baltimore, now prescribed and regulated by Sections 797-800 both inclusive, of Article 4, entitled "City of Baltimore" of the Code of Public Local Laws of Maryland shall as to the bed or beds of the public highway or highways covered by said ordinance or ordinances, and for the period of eleven years accounting from the date, or respective dates of passage of said ordinance, or ordinances, be payable and paid by the said United Railways and Electric Company of Baltimore, its successors and assigns

to the Mayor and City Council of Baltimore as follows : for the first three years of said period of eleven years the gross receipts of said Company from its lines on the bed or beds of the public highway or highways covered by said ordinance, or ordinances, shall be exempt from said park tax as at present, for the fourth year of said period of eleven years they shall be subject to said park tax at the rate of one per centum, for the fifth year to said park tax at the rate of two per centum, for the sixth year to said park tax at the rate of three per centum, for the seventh year to said park tax at the rate of four per centum, for the eighth year to said park tax at the rate of five per centum, for the ninth year to said park tax at the rate of six per centum, for the tenth year to said park tax at the rate of seven per centum, for the eleventh year to said park tax at the rate of eight per centum, and thereafter to said park tax at the general rate of nine per centum each year, as now prescribed and regulated as aforesaid by Sections 797-800, both inclusive, of Article 4, entitled "City of Baltimore," of the Code of Public Local Laws of Maryland, or at such other rate or rates as may be hereafter prescribed by law ; provided, however, that the franchise or right so granted to the United Railways and Electric Company of Baltimore, its successors and assigns in said roads, or any of them, may in the discretion of the Board of Estimates so far as the same may be now perpetual, be in perpetuity ; provided, however, than nothing herein shall be construed to make perpetual, or to grant in perpetuity, any franchise or right whatsoever (as a franchise or right in perpetuity) which heretofore has not been owned or enjoyed by the said United Railways and Electric Company of Baltimore as and for a right perpetual, or franchise or right in perpetuity.

Franchises granted hereunder by Board of Estimates may be in perpetuity where original franchises were also perpetual.

1906, ch. 566, Sec. 2.

§800b. In view of the fact that the beds or parts of the beds, of said roads, or some of them are now occupied by the United Railways and Electric Company of Baltimore, and its rights in such roadbeds, or parts of roadbeds, are

Upon acquisition of the easements owned by said railway company the Board of Estimates may grant said railway company street railway franchises in said streets for a sum not less than the cost to the city of said easements.

proposed to be acquired by the Mayor and City Council of Baltimore for the sole purpose of securing for the public the unconditional use thereof as public highways, the Board of Estimates is hereby authorized, in its discretion, after the acquisition of said roadbeds, or parts of roadbeds, by the Mayor and City Council of Baltimore, should the United Railways and Electric Company of Baltimore, its successor and assigns apply for the franchise or right of using any of said roadbeds, or part of roadbeds, for its railway lines, to fix the compensation or compensations, to be paid therefor, without reference to any other application, or applications, for the same franchises or rights by any other person or corporation, and free from the obligation cast upon it by Section 37 of Article 4, entitled "City of Baltimore," of the Code of Public Local Laws of Maryland, to fix the compensation to the Mayor and City Council of Baltimore in such cases at the largest amount that it may be able by advertisements or otherwise to obtain for the franchise or right; provided however, that said compensation, or compensations, shall in no case be fixed by said Board of Estimates at a lower sum or sums than the sum or sums which the Mayor and City Council of Baltimore shall have paid, or become obliged to pay, unto said Company, whether as the result of condemnation proceedings or otherwise, under the provisions of Chapter 274 of the Act of the General Assembly of Maryland for the year 1904, for the purpose of acquiring the respective street railway franchises, easements interests or rights now or hereafter possessed or enjoyed by said Company in said respective roadbeds, or parts of roadbeds as to which said application or applications for new franchises or rights shall or may be made by said Company as aforesaid.

*Prohibiting Tracks on Certain Streets.**

P. L. L., (1888) Art. 4, Sec. 769A. 1892, ch. 115. 1894, ch. 69. 1894, ch. 150. 1894, ch. 439. 1896, ch. 74. 1896, ch. 403. 1896, ch. 405. 1900, ch. 149. 1902, ch. 558. 1904, ch. 35. 1906, ch. 253.

801. It shall not be lawful for any person or corporation to lay any railway track upon Mount Royal avenue

*NOTE.—This section has been modified to conform to provisions of Acts 1900, ch. 149; 1902, ch. 558; 1904, ch. 35 and 1906, ch. 253.

between Guilford and North avenues, or upon Cathedral street between Saratoga street and Mount Royal avenue, or upon Saint Paul street from Baltimore street northerly to Huntingdon avenue, or upon Calvert street from Read street northerly to the City limits, or upon Gough street from Bond street easterly to Patterson Park avenue, or upon Broadway from Baltimore street north to North avenue, except upon the streets where tracks are now laid, or upon Caroline street between Preston street and North avenue, or upon Eager street between Park and Wolfe streets, or upon the old York Road from its intersection with the York Turnpike to Willow avenue, in the City and County of Baltimore, or upon McCulloh street between Eutaw street and North avenue, or upon Baltimore street between Patterson Park avenue and Canton street, or on Barclay street, or on Bid-
 dle street between Broadway and Maryland avenue, and when the tracks of the Lake Roland Elevated Railway Company shall have been removed from Oak street, Hampden street, Cedar avenue, Elm avenue and Merryman's lane, in the City of Baltimore, thereafter it shall not be lawful for any person or corporation to lay any railway tracks upon the said portion of said streets so occupied by the said Lake Roland Elevated Railway Company, or upon Hanover street between Lee street in the City of Baltimore and the southern extremity of said street which terminates at Spring Garden harbor, or upon any of the streets, lanes, avenues and highways above mentioned, without the consent of the General Assembly of Maryland; provided, that this sub-division of this Article shall not restrict in any way the right of any passenger railway now incorporated, or that may hereafter be incorporated, to cross said streets where such railway company shall be authorized by the Mayor and City Council of Baltimore to use any street or avenue opening into or crossing said beforementioned streets or highways. The maintenance or laying of any tracks for street railways or other purposes on Cedar avenue, in the City of Baltimore, be and is hereby forbidden. And it shall not be lawful for any person or corporation to lay any railway tracks upon Chase street, between Broadway and Maryland avenue, nor upon Evergreen

Streets or parts thereof on which tracks are prohibited.

Proviso.

Terrace, between Fulton avenue and Orem lane or avenue, in the City of Baltimore, without the consent of the General Assembly of Maryland.

1900, ch. 746. 1902, ch. 99.

Prohibiting
tracks on por-
tion of Lom-
bard street.

Provisoos.

§801a. It shall not be lawful for any person or corporation to lay any railway tracks upon Lombard street, between Patterson Park avenue and Exeter street, in the City of Baltimore, without the consent of the General Assembly of Maryland; provided, that this Act shall not restrict in any way the right of any passenger railway company now incorporated, or that may hereafter be incorporated, to cross said Lombard street, when such railway company shall be authorized by the Mayor and City Council of Baltimore to use any street or avenue opening into said Lombard street; and provided further, that nothing herein contained shall be construed to impair or limit in any manner the powers and rights of the Mayor and City Council of Baltimore to regulate the use in all respects of said street under the provisions of this Article.*

RECORDS.

1886, ch. 289. P. L. L., (1888) Art. 4, Sec. 770.

Plan of index.

802. It shall be the duty of the Clerk of the Superior Court of Baltimore City to formulate and prepare a new plan or system for the indexing of all deeds, conveyances and other papers required by law to be recorded among the land records in his office, and submit the same to the Supreme Bench of Baltimore City for its approval.

1886, ch. 289. P. L. L., (1888) Art. 4, Sec. 771.

803. Upon the adoption and approval of the plan or system of indexing authorized by the preceding section, the Clerk of the Superior Court of Baltimore City is

*NOTE.—The Acts of 1900, ch. 746 and 1902, ch. 99, are practically identical in considering the part of Lombard street affected by both Acts.

authorized and directed to make and prepare for use in his said office, a new index of all land records and conveyances in his keeping, upon the plan or system so adopted and approved, in books suitable for the purpose ; and all deeds and conveyances hereafter recorded among said land records, shall be indexed upon the plan or system aforesaid.

New index of conveyances.

1886, ch. 289. P. L. L., (1888) Art. 4, Sec. 772.

804. Whenever, from age or wear, any of the record books in the keeping of the Clerk of the Superior Court of Baltimore City shall be in danger of destruction or obliteration, it shall be the duty of the Clerk of said Court, when required so to do by the Supreme Bench of said City, to renew any such record book by transcribing the same into new books.

Renewals of worn-out records.

1886, ch. 289. P. L. L., (1888) Art. 4, Sec. 773.

805. The cost of making and preparing such new indexes and records shall be paid out of the fees collected by the Clerk of the Superior Court aforesaid.

Cost.

SABBATH.

1886, ch. 433. P. L. L., (1888) Art. 4, Sec. 774.

806. No vehicle of any description shall be permitted to carry ice upon the streets or highways of Baltimore City, for the purpose of selling the same, on the Sabbath Day, commonly called Sunday.

Sale of ice on, prohibited.

1886, ch. 433. P. L. L., (1888) Art. 4, Sec. 775.

807. If any person or corporation be found guilty of causing or in any way contributing to the violation of the preceding section, he or it shall be subjected to a fine of not more than fifty dollars, in the discretion of the courts.

Penalty.

****SCHOOLS.***Intestates' Estates.*

P. L. L., (1860) Art. 4, Sec. 829. P. L. L., (1888) Art. 4, Sec. 781.

Orphans' Court
may claim.

808. The Orphans' Court of said City shall order and direct the funds arising from intestates' estates that may be administered upon in said court, and which remain undistributed for want of legal representatives of the intestates to claim the same, to be paid to the Board of School Commissioners.

P. L. L., (1860) Art. 4, Sec. 830. P. L. L., (1888) Art. 4, Sec. 782.

Administrator
to give notice.

809. The Court shall not make such order until they shall be satisfied that the intestate left no legal representatives living at the time of his death; and they shall cause the administrator of such intestates to give notice, by advertisement to be inserted for such periods of time and in newspapers published in such places as they may deem necessary, that upon default of the appearance of any legal representative of the intestate, by a certain day to be fixed by the Court and named in said advertisement, the estate of said intestate will be paid to the Board of School Commissioners.

Charlotte Hall *v.* Greenwell, 4 G. & J. 407. Thomas *v.* Visitors of Frederick County School, 7 G. & J. 369.

P. L. L., (1860) Art. 4, Sec. 831. P. L. L., (1888) Art. 4, Sec. 783.

Release to ad-
ministrator.

810. They shall, upon passing an order directing such payment, require from the Treasurer of the Board of School Commissioners, or any other officer who may be appointed by the said Board of School Commissioners or the Mayor and City Council of said City to receive such funds, a receipt and release to the administrator for the same.

****NOTE.**—The Act 1906, ch. 552, authorized an issue of city stock amounting to \$1,000,000 for the acquisition of land for public school buildings when the ordinance providing for the issue thereof shall be submitted to and approved by the people.

P. L. L., (1860) Art. 4, Sec. 832. P. L. L., (1888) Art. 4, Sec. 784.

811. The release shall contain an obligation that the said funds shall be applied by the Board of School Commissioners to the use and support of the public schools of the City of Baltimore, and shall be recorded and preserved in said court as other records are.

Terms of
release.

P. L. L., (1860) Art. 4, Sec. 833. P. L. L., (1888) Art. 4, Sec. 785.

812. If the estate of an intestate shall be paid to the Board of School Commissioners under this law, and any legal representatives of the intestate of no remoter degrees among collaterals than brothers' or sisters' children, shall at any time appear and prove him, her or themselves to be such legal representatives, the Board of School Commissioners who received such estate, or their successors, if the same shall be in their hands or shall have been applied to the use of the public schools, shall restore the same to such legal representatives out of the school fund under their direction.

Restoration
when legal
representa-
tives appear.

P. L. L., (1860) Art. 4, Sec. 834. P. L. L., (1888) Art. 4, Sec. 786.

813. Nothing contained in this sub-division of this Article shall be construed to interfere with or affect the rights vested in the Charitable Marine Society of Baltimore.

Not to affect
Charitable
Marine
Society.

JOHNS HOPKINS UNIVERSITY.

1876, ch. 84. P. L. L., (1888) Art. 4, Sec. 787.

814. The Johns Hopkins University, a corporation duly incorporated by certificate recorded in the office of the Clerk of the Circuit Court for Baltimore County, shall have power to establish branches of the said university in the City of Baltimore, to hold, or to purchase and hold, all property in said City, needed for the successful conducting of the branches of the said university in said City, and to keep and maintain a principal office in said City for the conduct of the business of the said university.

Power to estab-
lish branches
and hold
property.

1876, ch. 84. P. L. L., (1888) Art. 4, Sec. 789.

May confer de-
grees.

815. The said Johns Hopkins University shall have power to admit students of the said university who shall merit distinction to the office and profession of surgeon, or to the degree of doctor of medicine, or of doctor of laws, or of bachelor or master of arts; to grant to students in such university such certificates of proficiency and attainments in any special study as the said university may see proper to confer; and to grant the honorary degrees of doctor of laws, doctor of medicine, and master of arts, or such other degrees as may be proper, to any person who may merit such distinction, whether such person be a student of such university or not.

MCDONOGH EDUCATIONAL FUND AND INSTITUTE AND OTHER INSTITUTIONS.

1888 ch. 102. P. L. L., (1888) Art. 4, Sec. 789.

City may issue
stock for one
million dol-
lars.

816. The Mayor and City Council of Baltimore is authorized, upon the transfer and surrender to it, by the Board of Trustees of the McDonogh Educational Fund and Institute, of the City stock or certificates of indebtedness, in which the said educational fund is now, under the City ordinances, invested, in consideration of such transfer and surrender, to issue and deliver to the said Board of Trustees, the stock or certificates of indebtedness of the Mayor and City Council of Baltimore, to the amount of one million dollars, in the form prescribed by law for such certificates, redeemable in the year of our Lord, nineteen hundred and thirty-eight, and bearing interest, payable quarterly, at the rate of five per cent. per annum. To pass an ordinance providing for the said transfer and surrender of said City stock or certificates of indebtedness, in which the educational fund derived under the will of John McDonogh, is now invested, and for the issue and delivery to the Trustees of the McDonogh Educational Fund and Institute, in consideration of such transfer of said City stock or certificates of indebtedness of the Mayor and City Council of Baltimore, to the amount of one million dollars. Before the ordinance which the Mayor and City Council of Balti-

more is authorized and empowered to pass, shall take effect, it shall be approved by a majority of the votes of the legal voters of the said City, cast at the time and place to be appointed by said ordinance for submitting the same to the legal voters of said City, as required by Section 7 of Article XI, of the Constitution of Maryland. To appropriate annually for the Baltimore Manual Labor School for Indigent Boys, sum or sums of money not exceeding fifteen hundred dollars per annum. Upon transfer and surrender to it, by the Peabody Institute of the City of Baltimore, of six per cent. City stock, to an amount not exceeding five hundred thousand dollars, to issue and deliver to the said Peabody Institute, in consideration of such transfer and surrender, City stock in the form prescribed for such certificates by the Baltimore City Code of eighteen hundred and seventy-nine, redeemable in the year of our Lord nineteen hundred and fifty, and bearing interest at the rate of not more than five per cent. per annum; payable quarterly; and to pass an ordinance providing for such transfer of said stock, and for the issue and delivery to the said Peabody Institute, in consideration of such transfer and surrender of stock or certificates of indebtedness of the Mayor and City Council of Baltimore, to the amount of not over five hundred thousand dollars, as authorized above, bearing interest at not more than five per cent. per annum, payable quarterly.

To be approved
by legal vot-
ers.

Maturity of.

Text Book Upon Civil Government.

1898, ch. 520.

§816a. The State Board of Education and the Board of Public School Commissioners of Baltimore City are hereby required to furnish the public schools of this State with a text-book upon civil government in addition to the text-books now furnished them, and shall be included in the branches of study now taught in the public schools, and shall be taught to and be studied by all pupils whose capacity will admit of it, in all departments of the public schools of this State and in all educational institutions supported wholly or in part by money from the State.

Board of School
Commission-
ers to fur-
nish.

SEWERS.

P. L. L., (1860) Art. 4, Sec. 836. P. L. L., (1888) Art. 4, Sec. 793.

Obstruction of;
penalty.

817. If any person shall wilfully stop up, obstruct, injure or damage the passage of the waters of any of the common or private sewers or drains, he shall be fined a sum not exceeding one hundred dollars, to be collected as other fines are collected.

1868, ch. 181. P. L. L., (1888) Art. 4, Sec. 794.

Power to con-
struct.

Procedure.

Damages.

818. The Mayor and City Council of Baltimore shall have full power to provide for constructing, opening, enlarging or straightening, subject to the provisions hereinbefore contained as to the Board of Public Improvements and the Board of Estimates, any sewer or drain, public or private, through any private property, upon giving thirty days' notice in writing to the owner or agent of said private property, or to one of them, if more than one, leaving such notice at the usual place of abode of such owner or agent, or at the usual place of abode of one of them, if more than one, or if none of said parties live in the City of Baltimore, by setting up said notice on the land or premises; to provide for ascertaining what amount of actual benefit will thereby accrue to the owner or possessor of any ground or improvements within or adjoining the City, being governed as far as practicable by the number of superficial feet drained, and to provide for assessing and levying, either generally on the whole assessable property of the said City, or by a loan for the special purpose for constructing, opening, enlarging or straightening any sewer, the sum necessary to pay the expense or cost, or specially on the property of persons actually benefited, the whole or any part of the damages and expenses which they shall ascertain will be incurred in constructing, opening, enlarging or straightening any sewer in any street, lane or alley, or through any private property in said City; to provide for granting appeals to the Court having jurisdiction thereof in Baltimore City, from the decision of any commissioners or other persons appointed in virtue of any ordinance to

ascertain the damage which will be incurred or the benefits which will accrue to the owners or possessors of any ground or improvements for constructing, opening, enlarging or straightening in any street, lane or alley, or through any private property, any sewer which in their opinion the public welfare or convenience may require, and for securing to every such owner or possessor the right on application within a reasonable time to have decided by a jury trial whether any damage and what amount of damage has been caused, or whether any benefit and what amount of benefit, has accrued to them; and to provide for collecting and paying over the amount of compensation adjudged to each person to receive the same, or investing in stock of said corporation, bearing interest of five per centum per annum, for the use of any person who because of infancy, absence from the City, or other cause, may be prevented from receiving it, before any sewer shall be constructed, opened, enlarged or straightened in any street, lane or alley, or through any private property, and to enact and pass all ordinances from time to time which shall be deemed necessary and proper to exercise the power and effect the objects herein specified. Benefits.

1868, ch. 181. P. L. L., (1888) Art. 4, Sec. 795.

819. The amount of benefits assessed on any property for constructing, opening, enlarging or straightening any sewer in any street, lane or alley, or through any private property, constructed, opened, enlarged or straightened by virtue of any ordinance passed by the Mayor and City Council of Baltimore, shall be a lien on the property and recoverable as City taxes are. Benefits to be lien.

820. No private sewer or drain shall be constructed, altered or repaired without a permit from the City Engineer. Permit from City Engineer to construct.

****NOTE.**—Sec. 820 is modified by Act 1906, ch. 144. *See ante*, Sec. 6, sub division "Sewers," page 68.

1868, ch. 181. P. L. L., (1888) Art. 4, Sec. 796. 1906, ch. 103.

Notice before
ordinance is
passed.

821. Before the Mayor and City Council of Baltimore shall pass any ordinance under this Article relating to the constructing, opening, enlarging or straightening any sewer through any private street, lane or alley, or through any private property, notice shall be given of an application for the passage of such an ordinance in at least two of the daily newspapers of said City twice a week for thirty days.

1868, ch. 181. P. L. L., (1888) Art. 4, Sec. 797.

Notice before
acting under
ordinance.

822. Before any Commissioners appointed by any ordinance of said corporation under the preceding sections hereof shall proceed to the performance of their duty, they shall give daily notice, in at least two newspapers in the City of Baltimore, of the object of the ordinance under which they propose to act, at least thirty days before the time of the first meeting to execute the same.

1868, ch. 181. P. L. L., (1888) Art. 4, Sec. 798.

City's share of
cost.

823. Should the Commissioners appointed by the Mayor and City Council of Baltimore assess any part of the expense and damage incurred in the construction, opening, enlarging or straightening any sewer in the City, upon the Mayor and City Council of Baltimore, the said Mayor and City Council of Baltimore may levy a tax on the assessable property of the City for the amount of such assessment, or they may raise the necessary amount by a loan, for the payment of which they may create a sinking fund to meet the liabilities incurred ; and may also levy on the assessable property of the City of Baltimore from time to time such sums as may be necessary to provide therefor, and for the principal and interest of the liabilities incurred, and may pass all ordinances necessary to carry out the provisions of the same.

1882, ch. 406. 1888, ch. 131. P. L. L., (1888) Art. 4, Sec. 799.

824. The Mayor and City Council of Baltimore are authorized to issue the stock of the City of Baltimore for

the amount of five millions of dollars; said stock to be issued from time to time as the Mayor and City Council of Baltimore shall by ordinance prescribe; the proceeds of said stock to be used for the opening, widening, paving and repaving of streets, the constructing of sewers, the supplying of school buildings in the City of Baltimore, and the improvement of the public parks. The said stock shall be in such amounts, payable at such time or times, and shall bear such rate of interest as the said Mayor and City Council of Baltimore shall provide by ordinance; but the said stock shall not be issued unless the ordinance which the Mayor and City Council of Baltimore is hereby authorized to enact shall be approved by a majority of the votes of the legal voters of said City, cast at the time and place to be appointed by said ordinance in the provision for submitting the same to the legal voters of said City, as required by Section 7 of Article XI. of the Constitution of the State.

Five million
loan for
streets, sew-
ers, parks
and schools.

New Sewerage System.

1901 ch. 19. 1904 ch. 349, Sec. 1.

§824a. The Mayor of the City of Baltimore is hereby authorized to appoint in the manner prescribed by Section 25 of Article 4, entitled "City of Baltimore," of the Public Local Laws of Maryland, and subject to the condition that three appointees shall be members of the minority party within the meaning of Section 30 of said Article, six capable and upright citizens of the City of Baltimore, who, together with the Mayor himself *ex officio* shall constitute a special commission to be known as the Sewerage Commission of the City of Baltimore, and who shall continue in office from year to year until the work of said commission under this Act has been fully and finally completed in every respect. If, however, the Second Branch of the City Council of the City of Baltimore shall reject three several and successive nominations by the Mayor to any position on said commission, he shall be empowered to make an appointment thereto without its confirmation.

Sewerage Com-
mission.

Municipal officers not eligible to appointment on same.

No municipal official or other officer of the Mayor and City Council of Baltimore, whether holding a paid or an unpaid office or position under the said corporation shall be eligible for appointment to said commission, and all persons appointed to said commission shall qualify and be subject to removal by the Mayor, except that there shall be no removal at any time save for cause after charges preferred, as prescribed by said Section 25 of Article 4, entitled "City of Baltimore," of the Public Local Laws of Maryland. Any member of said commission may at any time resign therefrom by tendering his resignation in writing to the Mayor, and any vacancy in said commission occasioned by the resignation, removal, death or permanent absence from this State of the incumbent, or by supervening incapacity upon his part whether physical or mental, to discharge his duties, or by any other cause operating, such a vacancy, either actually or in effect, shall be filled by the Mayor in the manner and subject to all the conditions as to minority representation, qualification and removal hereinbefore provided for as to original appointees to said commission.

Compensation.

All the members of said commission shall receive such compensation as the Mayor and City Council shall by ordinance provide, not, however, to exceed for the chairman the sum of three thousand dollars and for the other members of said commission a sum not exceeding fifteen hundred dollars each; and a majority of said members shall be a lawful quorum for the transaction of business; and said commission shall be taken as superseding in every respect the Sewerage Commission of the City of Baltimore (assuming that said last mentioned commission is not already *functus officio*) appointed under Resolution No. 189 of the Mayor and City Council of Baltimore, approved May 25, 1893, and continued (or attempted to be continued) by the terms of ordinance No. 2 of the Mayor and City Council of Baltimore, approved November 14, 1899; and shall be entitled to the possession and custody of all maps, plats, blue prints, sketches, books, papers, documents, writings, letters and chattels in the possession of said last mentioned commission; and, so soon as the appointed members of said commission shall be qualified, they shall,

Custody of maps, plats, etc.

with the Mayor acting as a member of said commission *ex-officio* organize by the election of one of the members of said commission as chairman of said commission, who shall be removable at pleasure by said commission, and shall receive such compensation as it may determine, not exceeding the sum of three thousand dollars per annum, and shall preside over the meetings of said commission and perform such other duties as are imposed upon him by this Act, or as may be assigned to him by said commission, and by the election of a secretary, not a member of said commission, who shall be removable at pleasure by said commission, and shall receive such compensation as it may determine, not exceeding the sum of twenty-five hundred dollars per annum, and shall enter into a well-bound book and carefully preserve neat, legible and accurate minutes of all meetings of said commission and perform such other duties as usually appertain to the office of secretary of a private corporation or as are imposed upon him by this Act or as may be assigned to him by said commission. All sessions or meetings of said commission shall be open and public and all its records shall be public records, and it shall annually make to the Mayor a detailed report of all its official transactions and expenditures.

Meetings to be public.

1904, ch. 349, Sec. 2.

§824b. Said commission shall be charged with the duty of projecting, constructing and establishing a sewerage system for the collection, transmission and disposal of the house and other sewage and drainage of the City of Baltimore, including, either as a combined or separate feature of said system the collection, transmission and disposal of storm and ground water, respectively, and shall be clothed with each and every and all powers which, by anything short of a palpably forced construction, may be held to be necessary or proper for these purposes, or either of them, among which powers shall be the following, that is to say:

Duties of Commission.

1. To make all such preliminary investigations and to do all such preliminary work as should, in its judgment,

Preliminary investigations.

precede the actual projection, construction and establishment of said system of sewerage.

To adopt a
sewerage sys-
tem.

2. To project and adopt such a system of sewerage as it may deem best calculated to promote the objects of this Act.

Constructing
sewers, build-
ings, plants,
etc.

3. To construct and establish all such local, district, lateral, intercepting, outfall or other sewers, and all such conduits, drains and pumping or other plants, and all such buildings, structures, works, apparatus or agencies, and to lay all such mains and pipes and to create or use, or create and use, all such instrumentalities and means, within the City of Baltimore, or any Counties of the State, including submerged as well as other lands, as it may deem expedient for carrying said system of sewerage, projected and adopted as aforesaid into full effect. And said commission is hereby specifically empowered to lay or construct, and the Mayor and City Council of Baltimore to maintain, without compensation to the State, any part or parts of said system of sewerage, or of its works or appurtenances, over or upon any part or parts of the bed of the Patapsco river or its branches, or of any land covered by any of the navigable waters of this State, the title to which is held by this State, and if the same be deemed advisable by the said commission, the Governor of Maryland is hereby authorized and directed, upon the application of the said commission, to execute, acknowledge and deliver to the Mayor and City Council of Baltimore such deed or deeds as may be proper for the purpose of fully confirming this grant.

Deed or deeds.

Public sewers
and drains.

4. To incorporate with said system of sewerage or otherwise utilize for the purpose of this Act, so far as it may deem expedient, any or all existing public sewers or drains, including storm water sewers and drains, in the City of Baltimore, and any and all of their appurtenances, either in their present condition or with such repairs, modifications or changes as said commission may see fit to make, and to condemn, close up, abolish or destroy, in its discretion, any or all such existing public sewers and drains, or to alter their functions, or to increase their burdens, as it may think best.

5. To appoint or employ a chief engineer and such other professional or technical advisers and experts, and such agents, assistants, clerks, employes and laborers, skilled or unskilled, of all kinds, as it may deem requisite, for the due and proper execution of the duties devolved upon it by this Act, or any of them, and to fix their respective compensations and to remove or discharge them at pleasure (except such highly trained, experienced or skilled individuals as it may agree to appoint or employ upon special terms for definite and fixed periods of time), and to exact from them such indemnity bonds for the proper performance of their respective duties, as it may deem proper.

Chief Engineer.

6. To frame, promulgate and enforce such reasonable rules and regulations for its own government and for the supervision, protection, management and conduct of its work as it may believe expedient.

Enforcement of rules, etc.

7. To make and enter in the name and on behalf of the Mayor and City Council of Baltimore any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this Act.

To make contracts.

8. To purchase, hire or otherwise lawfully obtain the use of all such machinery, tools, implements, appliances, supplies, materials and working agencies as it may need for its purposes ; provided, however, that this enumeration of special powers shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon said commission ; and provided, further, that said commission shall have no authority to construct and establish any sewerage system involving the discharge of sewage, as distinguished from storm water or ground drainage, into the Chesapeake Bay or any of its tributaries.

Machinery, tools, materials, etc.

1904, ch. 349, Sec. 3.

§824c. The Mayor and City Council of Baltimore, acting by and through the agency of said commission, may acquire by gift, purchase, lease, whatever the duration of the lease, or other like methods of acquisition, or by condemnation, any land or property situated wholly or partly within the City of Baltimore or within any of the counties

Municipality's right to acquire lands and property by gift purchase, lease, or by condemnation proceedings.

of this State, or any interest, franchise, easement, right or privilege therein which may be required for the purpose of constructing and establishing said sewerage system, or any part or parts thereof, or that may be needed for the workings of said system when established, and when and so often as resort shall be had to condemnation proceedings, the procedure shall be that marked out by Sections 360 to 365, inclusive, of Article 23 of the Code of Public General Laws of Maryland, relating to condemnation of property by corporations; or so far as the acquisition by condemnation of any such land or property situated wholly or partly within the City of Baltimore, or any interest, franchise, easement, right or privilege therein is concerned, may in any case or cases, at the option of said commission, be such as may now or at any time hereafter be provided for by any lawful ordinance or ordinances of the Mayor and City Council of Baltimore, adopted pursuant to the powers conferred upon it by Section 6 of Article 4, entitled "City of Baltimore," of the Code of Public Local Laws of Maryland, title "General Powers," sub-title "Condemnation of Property," for the condemnation of any land or property or interest therein, situated wholly or partly within the City of Baltimore, or such as may be provided for the very purpose by any lawful ordinance or ordinances of the Mayor and City Council of Baltimore; which said ordinance or ordinances the Mayor and City Council of Baltimore is hereby fully authorized to adopt; provided, provision is made therein for reasonable notice to the owner or owners, and for appeals to the Baltimore City Court, including the right of appeal to the Court of Appeals, by any person interested, including the Mayor and City Council of Baltimore, from the decision of any Commissioners or other persons appointed to value any such land or property, or interest, franchise, easement, right or privilege therein.

Right of Appeal.

1904, ch. 349, Sec. 4.

§824d. All individuals and corporations lawfully having buildings, structures, works, conduits, mains, pipes, tracks or other physical obstructions in, over or under the

Obstructions to a sewerage system.

public lanes, avenues, streets, alleys or highways of the City of Baltimore, which shall block or impede the progress of said sewerage system, when in process of construction and establishment, shall, upon reasonable notice from said commission, promptly so shift, adjust, accommodate or remove the same, at their own cost and expense, as to fully meet the exigencies occasioning such notice; and if any such individual or corporation shall refuse, neglect or fail after such reasonable notice to discharge any duty cast upon him or it by this section, he or it shall, in addition to but not in substitution for any other remedy or remedies that said commission or the Mayor and City Council of Baltimore may have in the premises, be subject to a fine of one hundred dollars for each and every offense, and also to an additional fine of fifty dollars a day for every day that said refusal, neglect or failure shall continue; said fines to be collected as other fines in the City of Baltimore are collected; and should the exigencies of said commission and its work in any case involve a taking, in the constitutional sense, of the franchise or right in the exercise of which such obstruction had its origin, the Mayor and City Council of Baltimore, acting by and through the agency of said commission, shall be empowered to secure the condemnation of such franchise or right in the manner provided for in Section 3* of this Act. The preceding provisions of this Section shall likewise be applicable to any such obstruction in, over or under the public highways of any county of this State into which said sewerage system shall extend. The duty and cost of adjusting or removing private drains and sewers in Baltimore City which shall block or impede the progress of said sewerage system when in progress of construction and establishment, shall rest upon and be borne by the Mayor and City Council of Baltimore exclusively.

Private drains
and sewers.

1904, ch. 349, Sec. 5. 1906, ch. 132.

§824e. All work done or supplies or materials purchased in carrying out the purposes of this Act when involving an

*NOTE.—See, section §824c. *ante*.

Work costing
over a certain
sum to be
done by con-
tract.

expenditure of five hundred dollars or more, shall be by contract awarded to the lowest responsible bidder in accordance with the provisions of Section 14 and 15 of Article 4 entitled "City of Baltimore" of the Public Local Laws of Maryland, provided however that said Commission shall be empowered if it sees fit to insert in the specifications for any such work reasonable and lawful conditions as to the hours of labor, wages and the residence or character of workmen to be employed by the contractor, and especially so far as may be practicable, in the judgment of said commission, such reasonable and lawful conditions as will tend to confine employment on such work in whole or in part to permanent and *bona fide* residents of the State of Maryland only; and provided however, also that said commission with the consent of three-fourths of all its members may itself do any part or parts of any such work under such conditions in every respect as it may prescribe by day labor whenever the chief engineer in writing shall recommend that course; in which event the said Commission in addition to its other powers in the premises shall likewise be authorized to devise, promulgate and enforce such rules and regulations as will make merit and personal fitness ascertained by some system of open competition or registration or both, the sole tests of eligibility for all positions of employment under its control which it may see fit to embrace within the scope of said rules and regulations which however may be limited to permanent and *bona fide* residents of this State in any particular any and all bids or parts of bids for any such work or supplies or materials may be rejected, provided however that all bids shall, before an award is made by the Board of Awards under the provisions of said Sections 14 and 15 of Article 4, entitled "City of Baltimore" of the Public Local Laws of Maryland, and so soon as said bids shall have been opened by the Board of Awards be referred to the said Commission by said Board for such consideration and recommendations in in the premises the said Commission shall see fit to give, and make which said consideration and recommendations shall therefrom be given and made by the said Commission without unnecessary delay.

Tests of eligi-
bility for
positions
under Sewer-
age Commis-
sion.

1904, ch. 349, Sec. 6.

§824f. In order to provide money for the projection, construction and establishment of said sewerage system the Mayor and City Council of Baltimore is hereby authorized to issue the stock of said corporation for a sum not exceeding ten million dollars; said stock to be issued from time to time as the Mayor and City Council of Baltimore shall by ordinance prescribe, and to be issued for such amounts and to be payable at such time and to bear such rate of interest as the Mayor and City Council of Baltimore shall by ordinance provide. Said stock shall be sold and issued by the Commissioners of Finance of the City of Baltimore at the best prices obtainable in their judgment therefor, and any premiums derived from the sale thereof shall remain in their hands as part of the sinking fund hereinafter mentioned for the redemption of said stock at maturity. The residue of the money received from the sale of said stock shall be turned over by them to the Comptroller, to be by him deposited with the City Register, and to be placed to the credit of a fund to be known as the "New Sewerage System Fund", which shall be exclusively applicable to the cost of the work authorized by this Act, and shall be chargeable with no other items of cost or expense whatever. Appropriations for the cost of said work, based upon the estimates of said commission, shall be annually included by the Board of Estimates in the usual way in the Ordinance of Estimates, and upon the written requisitions, supported by proper vouchers of the chairman of said commission, or of the chairman *pro tempore* of said commission countersigned by the secretary of said commission, or by the secretary *pro tempore* of said commission, either of which officers the said commission is hereby authorized to appoint by vote or resolution in the event of the absence, sickness or other disability for the time being of its chairman or secretary, respectively, the Comptroller shall draw his warrants upon the City Register, payable out of such appropriations from said special fund for the amounts of all items of cost or expense properly chargeable upon said special fund. But said stock shall not be issued, in whole or in part, unless the ordinance of

Providing money by issuance of bonds.

"New Sewerage System Fund."

Annual appropriations.

the Mayor and City Council of Baltimore providing for the issuance thereof shall be submitted to the legal voters of the City of Baltimore at such time and place as may be fixed by said ordinance, and be approved by a majority of the votes cast at such time and place as required by Section 7 of Article XI of the Constitution of Maryland. If issued pursuant to such approval, the Mayor and City Council of Baltimore shall levy in each and every year upon all property liable to taxation in the City of Baltimore a sum sufficient to pay the interest accruing on said stock and to create a sinking fund sufficient, with the aid of any premiums on the sale thereof, to redeem said stock at its maturity.

To redeem
stock at its
maturity.

1904, ch. 349, Sec. 7.

§824g. So often as any portion of said sewerage system shall be in actual operation and in a condition to collect, transmit and dispose of domestic or house sewage, the said commission shall notify the Commissioner of Health of the said City of Baltimore of that fact and impart to him the metes and bounds of said portion of said sewerage system in such state of preparedness, and it shall thereupon become his duty to require all owners of property within such metes and bounds, and shall become the duty of all such owners at their own cost and expense to forthwith connect their respective house drains at their respective building lines with said sewerage system, and to forthwith clean out and fill up their respective privy sinks, wells, cesspools or other sewerage or drainage receptacles, and to abandon the use of their existing arrangements of every sort for the disposal of sewage or drainage under the directions and control of said Commissioner of Health; and full power is hereby conferred upon the Mayor and City Council of Baltimore to pass any ordinance or ordinances and provide for any remedial proceedings or processes or for any penalty or penalties that may be necessary, in its judgment, to enable said Commissioner of Health to properly and effectively comply with the obligations or any of the obligations hereinbefore imposed upon

When sewer-
age system is
in operation.

him by this section of this Act, and to keep the drainage connections between said respective building lines and said sewerage system free from obstruction and in good working order; and to do any and all things reasonably necessary to be done to compel said owners of said property to place and maintain the same in relations of full co-operation with said sewerage system.

1904, ch. 349, Sec. 8.

§824h. While the work authorized by this Act is being done by said commission the respective duties and powers of the City Engineer and Commissioner of Street Cleaning and other City officials in their relations to the existing sewers and drains of the City of Baltimore shall, subject to the duties and powers hereby conferred upon said commission, continue as at present; and said commission shall be authorized as its work progresses to turn over from time to time, in its discretion, such completed portions of said work as it may see fit to the charge, superintendence and control of the proper city officials. When its work under this Act has been fully and finally completed in every respect, and not before, the life of said commission, as originally appointed and as subsequently recruited by appointments to occasional vacancies, if any, shall come to an end, and the said sewerage system established by it shall, so far as it has not already been surrendered to the charge, superintendence and control of said officials, be then so surrendered, and at the same time all the records, writings and papers of said commission shall be delivered up to the City Librarian, to be preserved in his office, and all property and effects in its possession belonging to the City to the Comptroller, to be disposed of by him as may be provided by ordinance.*

Drainage connections.

City Librarian
to preserve
records, etc.
of Sewerage
Commission.

*NOTE.—Act 1904, ch. 349, Sec. 9, repeals Act 1901, ch. 19.

SHERIFF'S FEES.

P. L. L., (1888) Art. 4, Sec. 799A. 1892 ch. 406.

825. The Sheriff of Baltimore City shall hereafter receive for the services hereinafter recited, fees as follows:

What fees allowed.

For serving an attachment of contempt and return, one dollar and fifty cents.

For an arrest on warrant and return in criminal cases, one dollar.

Deale v. Estep, 3 Bland 435.

STOCKS, LOANS AND FINANCE.*

1886, ch. 509. P. L. L., (1888) Art. 4, Sec. 805.

826. The Mayor and City Council of Baltimore are authorized and empowered to endorse the bonds of the Baltimore and Eastern Shore Railroad Company to the extent of ten thousand dollars per mile of said railroad, as the same is completed; *provided*, that no such endorsement shall be made until an ordinance of the Mayor and City Council of Baltimore, authorizing and directing the same, and the terms and conditions, and mode and manner of making said endorsement shall have been submitted to the legal and qualified voters of the City of Baltimore, at such time and place as may be fixed by said ordinance, to be approved by a majority of votes cast at such time and

To endorse bonds of Baltimore and Eastern Shore R. R. Co.

*NOTE.—The following loans have been authorized by Acts of Assembly and approved by the people since the enactment of the new charter:—

(1) *Western Maryland Refunding Loan*, Act 1898, ch. 210, authorizing issue of stock to amount of \$1,875,000 to extinguish certain mortgage bonds maturing January 1, 1900, and an issue of \$1,000,000 of stock loaned said railroad, maturing January 1, 1902. *See also*, Act 1900, ch. 280, ratifying Ord. 32, February 8, 1900.

(2) *Public Improvement \$6,000,000 Loan*, Act 1898, ch. 361, ratifying and confirming Ord. 100, October 7, 1892, authorizing an issue of six million dollars of registered bonds of the City of Baltimore for the purposes set out in said ordinance.

(3) *Refunding Loan for \$1,300,000*, to redeem certain loans named in Act 1898, ch. 373, authorizing said refunding loan.

(4) *Conduit Loan for \$1,000,000*, Act 1902, ch. 246. *See* Sec. §826a., *post*, page.

place ; *provided* further, that the aggregate amount of such endorsements shall not exceed the sum of five hundred thousand dollars, and that the bonds so endorsed shall be secured by first mortgage on the property and franchises of said Baltimore and Eastern Shore Railroad, shall bear interest at a rate not exceeding three and one-half per cent. per annum ; and *provided* further, that before the said ordinance shall be passed by the Mayor and City Council of Baltimore, or submitted to the voters of said City, the propriety of making said endorsement shall receive the approval and endorsement of the Board of Trade of the City of Baltimore, of the Corn and Flour Exchange, of the Merchants and Manufacturers' Association of said Baltimore City, and of the Merchants and Manufacturers' Association of Old Town, expressed by a majority vote of said associations, respectively, and duly certified to the Mayor and City Council of Baltimore.

Electrical Commission.

1902, ch. 246.

§826a. The Mayor and City Council of Baltimore be and it is hereby authorized to issue its stock to an amount not exceeding one million dollars (\$1,000,000), to be issued in such amount or amounts, and payable at such time, and

\$1,000,000 loan
to carry out
extensions
provided for
in certain
ordinances.

(5) *Water Loan for \$1,000,000*, Act 1902, ch. 333.

(6) *Annex Improvement Loan*, (*See*, Sec. §3a, *ante*. Act 1904, ch. 274.

(7) *Park Improvement Loan*, Act 1904, ch. 338. *See*, Secs. §739b to §739f, inclusive, *ante*.

(8) *New Sewerage System*, Act 1904, ch. 349. *See*, Secs. §824a to §824h, inclusive, *ante*.

(9) *Burnt District Improvement Loan*, Acts 1904, ch. 444, and 1904, ch. 468, authorizing issue of \$6,000,000 of City Stock to defray expenses of improvements in the Burnt District. *See*, Appendix, *post*, page.

See, omnibus ordinance relating to City loans, *post*, Art 34, Sec. 19.

The Act 1906, ch. 467 ½, authorizes the issue of \$1,000,000 of city stock for the purpose of acquiring land for fire engine houses, and for constructing or re-constructing fire engine houses, when ordinance providing for same shall be submitted to and approved by the people.

bearing such rate of interest as the said Mayor and City Council of Baltimore shall by ordinance prescribe. The proceeds of said issue to be used to provide extensions to the underground conduits built under the direction of the Electrical Commission in said city, said extensions to be made in accordance with authority vested in said Electrical Commission by Ordinances 106, 107 and 108 of the Ordinances of the Mayor and City Council of Baltimore, by virtue of the provisions of Chapter 200 of the Acts of Assembly of Maryland enacted during the session of the year 1892, but said stock shall not be issued unless the ordinance providing for the issue of said stock shall be approved by a majority of the legal voters of said city cast at some time and place to be fixed by said ordinance in a provision for submitting the same to the legal voters of said city, as required by Section 7 of Article eleven of the Constitution of this State.*

Municipal Lighting Plant.

1900, ch. 152.

Issue of bonds
for.

M. & C. C. of
Baltimore to
submit ordinance to people.

§826b. The Mayor and City Council of Baltimore is hereby authorized to issue its stock to an amount not exceeding one million three hundred and fifty thousand dollars, to be issued from time to time, in such amounts, and payable at such time and bearing such rate of interest as the said Mayor and City Council of Baltimore shall by ordinance prescribe. The proceeds of said issue to be used to provide a public lighting plant to supply said city and the inhabitants thereof with light, but said stock shall not be issued unless the Mayor and City Council shall by ordinance determine to erect and equip such public lighting plant, and unless the ordinance providing for the issue of said stock shall be approved by a majority of the legal voters of said city, cast at some time and place to be fixed by said ordinance in a provision for submitting the same

*NOTE.—This Act was approved by the people at election of November, 1902.

to the legal voters of said city, as required by Section seven of Article XI of the Constitution of this State.

STREETS, BRIDGES AND HIGHWAYS.

Opening Streets.

P. L. L., (1888) Art. 4, Sec. 806A. Act 1892, ch. 165. 1906, ch. 25.

827. Whenever any property shall have been condemned in any form of proceeding for the use of the Mayor and City Council of Baltimore, and in consequence of infancy, insanity or absence from the City of any person or persons entitled to receive any money awarded in any such proceedings conflicting claims, refusal to accept, or any other cause such money cannot be safely and reasonably paid to any person or persons it shall be lawful for the Mayor and City Council of Baltimore to file a bill or petition in any Court of Equity in the City or County where the property is condemned, or any portion thereof, lies, and whenever such Court shall be satisfied that, for any of the reasons aforesaid, that said Mayor and City Council of Baltimore should be permitted to pay the said money into such Court, it shall pass such decree as it shall deem proper and the payment of any money into Court under any such decree or order shall be considered in all respects equivalent to a tender thereof to any person or persons entitled to such money and who may be made a party or parties to such proceeding and upon making such payment the said Mayor and City Council of Baltimore shall be thereby released from all further liability for the money awarded as aforesaid to any person or persons who may be made a party or parties to such proceeding as aforesaid, and in all cases when one or more persons is or are entitled to an estate for life or years or an estate tail fee simple, conditional, base or qualified fee or any other particular, limited or conditional estate in property condemned as aforesaid and any person or persons is or are entitled to a remainder or remainders, vested or contingent or an executory devise or devises, or any other interest, vested or contingent in the same property if all persons

Decree of
Court for
payment of
damages.

in being who would be entitled to the said property if the contingency had happened at the date of the filing of the aforesaid bill or petition shall be made parties to the such proceeding, the payment into Court of the money awarded for such property shall bind all persons whether in being or not who claim or may claim any interest in the said property under any of the parties to the said cause or under any person from whom any of the parties thereto claim or from or under or by the original deed or will by which such particular, limited or conditional estates with remainders or executory devises were created and the said Mayor and City Council of Baltimore shall, upon making such payment, be thereby released from all further liability for the money awarded as aforesaid.

Gardiner v. Baltimore City, 96 Md. 375.

1838, ch. 226. P. L. L., (1860) Art. 4, Sec. 838. P. L. L., (1888) Art. 4, Sec. 807. 1896, ch. 328.

828. Before they shall pass any ordinance under Section 6 of this Article, paragraph "Streets, Bridges and Highways," relating to the laying out, opening, extending, widening, straightening or closing up, in whole or in part, of any street, square, lane or alley within Baltimore City, notice shall be given by advertisement published once a week for six consecutive weeks in two of the daily newspapers in the said City, that application shall be made for the passage of such ordinance, which notice shall set forth clearly, in the case of laying out, opening or extending any street, square, lane or alley, the length or width of such street, square, lane or alley, or part thereof to be laid out, opened or extended, and in the case of widening or straightening shall set forth clearly both the present and the intended width, and also the length of any street, lane or alley, or part thereof intended to be widened or straightened, and in case of closing shall set forth clearly the length and width of the street, lane or alley, or any part thereof, intended to be closed; and notice shall also be given by filing in the office of the Commissioners for

Notice before
Ordinance
shall be
passed.

Opening Streets on or before the first day of such publication, a map on the scale, not smaller than fifty feet to the inch, prepared by some competent surveyor, whose name shall be signed to the same, which, in case of laying out, opening, extending, widening or straightening shall show the course and the lines of the projected improvement, and also the lots and buildings thereon which shall be taken or destroyed, in whole or in part, and which, in the case of closing, shall show the street, lane or alley, or part thereof, intended to be closed, and also the abutting lots and improvements thereon. It shall be the duty of the Commissioners to endorse on said map their names, with the date of it being filed in their office, and to keep the said map where the public may have access to it, whenever said map may be needed for the purpose of being shown at any meeting of the City Council or of any committee thereof, they may, on the written order or request of the President of either Branch of the City Council or of the chairman of such committee, and on obtaining his receipt therefor, allow the said map to be taken from their office for that purpose, to be returned on the following day.

Prepare map of proposed improvements.

Methodist Protestant Ch. *v.* Gill, 6 Gill 391. *Stewart v. Mayor, etc.*, 7 Md. 500. *Baltimore v. Bouldin*, 23 Md. 370. *Page v. Mayor*, 34 Md. 558. *Mayor, etc. v. Grand Lodge*, 44 Md. 436. *Dashiell v. Mayor, etc.*, 45 Md. 616. *Mayor v. Little Sisters, etc.*, 56 Md. 400. *Central Savings Bank v. Baltimore*, 71 Md. 515. *Burk v. Baltimore*, 77 Md. 469. *Riggs v. Winterode*, 100 Md. 447.

See, cases under Sec. 6, (26) (a). "*Opening, etc. streets,*" *ante*.

P. L. L., (1860) Art. 4, Sec. 839. P. L. L., (1888) Art. 4, Sec. 808.

829. Before any commissioners appointed by any ordinance of said corporation under the two preceding sections shall proceed to the performance of their duty, they shall give notice in at least two of the daily newspapers in the City of Baltimore of the object of the ordinance under which they propose to act, at least thirty days before the time of their first meeting to execute the same.

Notice of object of ordinance.

Baltimore v. Bouldin, 23 Md. 370. **Central Savings Bank v. Baltimore*, 71 Md. 520. **Riggs v. Winterode*, 100 Md. 447.

1874, ch. 218. P. L. L., (1888) Art. 4, Sec. 812.

Who treated as
owner.

830. A tenant for ninety-nine years, or for ninety-nine years, renewable forever, or the executor or administrator of such tenant, or the guardian of an infant owner, or a mortgagee in possession, shall be deemed and taken as an owner for the purposes of any application to the Mayor and City Council authorized by this sub-division of this Article; and the application of any such person shall bind the property so represented for any assessment or tax made under an ordinance passed in pursuance of the provisions of this sub-division of this Article.

**Holland v. Mayor*, 11 Md. 186. **Wolff v. Mayor*, 49 Md. 446. *Handy v. Collins*, 60 Md. 229. **Mayor, etc. v. Boyd*, 64 Md. 10. **Galloway v. Shipley*, 71 Md. 243.

1833, ch. 182. P. L. L., (1860) Art. 4, Sec. 842. P. L. L., (1888) Art. 4, Sec. 813.

Opening ac-
cording to di-
vision among
joint owners.

831. Where real estate within the said City has been or may be divided according to law among heirs, legatees, joint tenants or tenants in common, entitled to the same; and such division calls for any of the streets, lanes or alleys or any part thereof surveyed and laid off under the Act of 1817, Chapter 148, or reserves any of the streets, lanes or alleys, or any part thereof, as open, and divides such estate with reference thereto, the Mayor and City Council of Baltimore may, on application of one or more persons interested in the ground to be taken on such application, adopt and sanction by ordinance the principle under which such division was had, and open any of the said streets, lanes or alleys, or any parts thereof, in the said division reserved or recognized; provided, at least one week's notice in the newspapers of said City (the cost of the advertisement to be paid by the applicants), be given of such application before any such ordinance shall pass.

1832, ch. 182. P. L. L., (1860) Art. 4, Sec. 850. P. L. L., (1888) Art. 4, Sec. 814.

832. All the streets, lanes, or alleys opened in the manner directed in the preceding section shall be public

highways, and be subject to the laws, regulations and ordinances applicable to public streets, lanes or alleys, or parts thereof, in said City.

To be public highways when so opened.

P. L. L., (1860) Art. 4, Sec. 851. P. L. L., (1888) Art. 4, Sec. 815.

833. They may, on application of the owners of a majority of feet in front of any private wharf, dock, street, lane or alley, cause the same to be paved, cleaned out, mended or otherwise repaved or kept in good condition or repair, and may impose upon and collect from all the proprietors of the property so to be cleaned out or repaired, a tax sufficient in amount to defray the expenses thereof, which shall be assessed upon the proprietors in proportion to the number of feet held by them, respectively, in front or length, and shall be collected by the Mayor and City Council of Baltimore as taxes levied for paving public streets.

Cost of cleaning private wharves and streets.

Grades of Streets.

1904, ch. 34.

§**833a.** Whenever the establishment of the grade of any street, or alley, or part thereof, in the City of Baltimore, shall become necessary, it shall be the duty of the City Surveyor of Baltimore City, and he shall be notified of such establishment by the City Engineer of said City whose duty it shall be to give such notification, to establish such grade and to prepare the profile of the same; and it shall also be his duty to prepare all paving plats whenever the same shall be necessary or their use required for the City of Baltimore.

Establishing street and alley grades.

1904, ch. 34.

§**833b.** The compensation of the duties so to be performed by the City Surveyor under this Act shall be fixed by the following table, viz:

For establishing the grades of any street, one square five dollars.

City Surveyor's compensation for same.

For all over one square, each, three dollars.

For paving plat, each square, five dollars, as provided by Section 5, Article 49, of the Baltimore City Code of 1893. **

P. L. L., (1860) Art. 4, Sec. 854. P. L. L., (1888) Art. 4, Sec. 817.

Alteration of
grade on Cer-
tificate of
Commission-
er of Health.

834. Whenever the Commissioner of Health shall certify in writing to the Mayor that it is necessary for the health of the City to alter the grade of any street, lane or alley on low or made ground, the Mayor shall issue his order to the City Engineer, who shall thereupon call upon the several property-holders on such street, lane or alley, and procure from them their assent in writing to such alteration; and if any property-holder shall refuse to permit the same to be graded, and shall require damages therefor, and cannot agree with the City Engineer as to the amount of damages, or should there be any legal disability on the part of those owning property on such street, lane or alley the Judge of the Baltimore City Court, on application of the corporation, shall appoint three disinterested persons to assess such damages, who shall return on oath their award to said Court, and the same shall be confirmed by the court unless cause to the contrary be shown; in which case the court shall at the first term thereafter decide finally thereon; and when the damages so assessed or agreed upon shall be paid by the Mayor and City Council of Baltimore to the persons so assessed, and legally entitled to receive the same, the Mayor and City Council of Baltimore may proceed to regrade and pave the said street, lane or alley.

1824, ch. 105. P. L. L., (1860) Art. 4, Sec. 857. P. L. L., (1888) Art. 4, Sec. 818.

Turnpikes in
City limits.

835. The president, directors and companies of the different turnpike companies owning roads running into the City of Baltimore, may cede to said City such parts of

**Now Article 37, Sec. 5, *post*, of this Code.

said roads as lie within the corporate limits of said City ; and the same, when ceded, shall be in all respects subject to the same regulations as unpaved public streets.

Hooper v. Prest. Balto. & Yorktown, etc. Road, 34 Md. 521. M. & C. C. of Balto. v. Turnpike Co., 80 Md. 541.

1894, ch. 123.

836. The Mayor and City Council of Baltimore be and it is hereby authorized and empowered to accept from the owners thereof, a deed of the land lying in the bed of Eutaw Place extended, between North Avenue on the southeast and Druid Hill Park on the northwest, in consideration of an agreement on the part of said grantee, to be incorporated therein, that no street car or other railroad tracks shall at any time thereafter be located or placed on any part thereof.

Conditions of acceptance of bed of Eutaw Place extended.

1894, ch. 123.

837. That upon the execution of said deed and acceptance thereof by the Mayor and City Council of Baltimore embodying said contract prohibiting the locating or placing car tracks upon any part of the land so to be granted, the said contract shall be and is hereby declared to be forever thereafter inviolable ; *provided*, however, that nothing herein contained shall prevent the Mayor and City Council of Baltimore from authorizing by ordinance the location or construction of car tracks on such part of the bed of said street as are contained within the limits of intersecting or cross streets that are now or may hereafter be provided for by ordinance of said Mayor and City Council of Baltimore.

Tracks on cross streets not prohibited.

North Avenue.

P. L. L., (1860) Art. 4, Secs. 858-860. 1878, ch. 59. P. L. L., (1888) Art. 4, Sec. 820.

838. The bed of North avenue, throughout its entire length, shall in all respects be hereafter held as the bed of any other street or avenue in Baltimore City, so far as the same be laid down on Poppleton's map of Baltimore City,

North Avenue to be a public street.

and subject to all the conditions or requirements of any other street or avenue in said City ; and any and all of the ground fronting thereon, whether in Baltimore City or County, shall, in the event of said avenue, or any part thereof, being graded, curbed, paved, shelled, graveled, or in any like manner improved, be subject to the same assessment for the cost of said grading, curbing, paving, graveling, shelling or like improvement, as would be the case with ground fronting on any other street or avenue in the City, similarly to be improved as aforesaid ; and such ground and the owners and representatives thereof shall in such event be held liable for said assessments, and the said avenue be subject to all the Acts of Assembly and ordinances of the Mayor and City Council of Baltimore which are now or may be hereafter in force and applicable for grading, curbing, paving, graveling, shelling or any like improvement of streets or avenues in Baltimore City.

Baltimore City *v.* Porter, 18 Md. 284. Mayor, etc. *v.* Horn, 26 Md. 194. Lester *v.* Mayor, 29 Md. 419.

York Road.

1906, ch. 62, Sec. 1.

Cobble stone
and maca-
dam paving
on, prohib-
ited.

§838a. It shall not be lawful for any person, corporation, municipality, commission, engineer, agents, or employes of such corporations, municipalities, or engineers or commission, to lay any cobblestone or macadam for street paving purposes upon the York road between North avenue and the City line in the City of Baltimore, without the consent of the General Assembly of Maryland.

Bridges and Highways.

1888, ch. 98, Sec. 27. P. L. L., (1888) Art. 4, Sec. 824.

Uncompleted
County
bridges in
Annex to be
completed by
city.

839. The bridges which the County Commissioners of Baltimore County have heretofore agreed to build within the limits of the territory which has become annexed to Baltimore City under the Act of 1888, Chapter 98, shall be completed by the City of Baltimore ; and all bridges within the limits of said territory shall be maintained and kept

in repair for public travel at the expense of Baltimore City; all bridges crossing the Patapsco River from said City, including the bridge known as the "Long" or Light Street Bridge shall be maintained and kept in repair for public travel at the sole expense of the said City of Baltimore.**

Long Bridge to be kept in repair by city.

Pumphrey v. Mayor, 47 Md. 145.

P. L. L., (1888) Art. 4, Sec. 824-½. 1894, ch. 576. 1902, ch. 453. 1904, ch. 433. 1906, ch. 158.

840. No avenues, streets or alleys within the territory annexed to the City of Baltimore by the Act of 1888, Chapter 98 shall hereafter be opened, established or condemned, nor shall the dedication of any avenue, street or alley in said territory be hereafter accepted by the Mayor and City Council of Baltimore unless the same shall be approved in writing by the Topographical Survey Commission, consisting of the Mayor, Comptroller and Register of the City of Baltimore, or unless the said avenues, streets or alleys be so opened, established, condemned or dedicated that the lines and grades thereof shall conform to the general plan of streets for the annex as adopted under ordinance, No. 129 approved December 3rd, 1898 or as said plan shall be amended in accordance with the provisions of this Section, that is to say; with the approval of the aforesaid Topographical Survey Commission, the Mayor and City Council of Baltimore may by ordinance, from time to time and in any manner, alter or amend the said general plan of streets, and the said Mayor and City Council of Baltimore may thereafter by ordinance open, establish or condemn, or the Mayor of Baltimore City may receive a deed for any avenue, street or alley laid down on the said general plan of streets as amended, or if any such avenue, street or alley shall be dedicated the same may thereafter be accepted, said Topographical Survey Commission is hereby authorized to make such rules and regulations regarding surveys, plats or

Opening, etc., of streets, etc., in Baltimore, to conform to plan of Topographical Survey Commission.

Topographical Survey Commission to make rules, etc.

**NOTE.—As to liability of municipality for defective construction or condition of bridges, *see*, Co. Commissioners of Harf. Co. v. Wise, 71 Md. 43.

plans relating to the location of avenues, streets or alleys as they may deem proper from time to time.*

Sindall *v.* Baltimore City, 93 Md., 529.

P. L. L., (1888) Art. 4, Sec. 824A. 1890, ch. 628.

Streets in annex.

841. All streets, avenues or alleys lying in that portion of Baltimore City, formerly constituting a portion of Baltimore County, and in pursuance of the Act of the General Assembly of Maryland of 1888, Chapter 98, recently annexed to the said City of Baltimore, which had prior to such annexation become streets, avenues or alleys in Baltimore County, whether by deed or dedication, shall be held for all purposes to validly constitute streets, avenues or alleys of Baltimore City, in all respects as if the same had been legally condemned as such by the Mayor and City Council of Baltimore.

Park Tax Case, 84 Md. 1. Baltimore City *v.* Broumel, 86 Md. 155. Clendenin *v.* Md. Construction Co., 86 Md. 86.

*Annex Improvement Loan and Commission.***

1904, ch. 274, Sec. 1.

Issuance of stock to improve Annex of Baltimore.

§841a. The Mayor and City Council of Baltimore is authorized to issue stock to an amount not exceeding two million dollars, to be issued from time to time and payable at such time and bearing such rate of interest as the said Mayor and City Council of Baltimore shall by ordinance prescribe; provided, however, that not more than five hundred thousand dollars of said stock shall be issued in any one year. The proceeds of the sale of said stock shall be used only for the purpose of providing the costs and expenses of condemning, opening, grading, paving and curbing the streets, avenues, lanes and alleys of the Annex

*NOTE.—As to dedication of streets, *see*, M. & C. C. of Baltimore *v.* N. C. Ry. Co., 88 Md., 427.

**NOTE.—The Act 1904, ch. 274, was construed *in re*, Flack *v.* Mayor, etc., Baltimore, 103 Md. Daily Record, July 6, 1906.

portion of Baltimore City. The certificates of stock shall not be issued and the commission hereinafter created shall not be appointed unless and until the ordinance which the Mayor and City Council of Baltimore are hereby authorized to pass for the purpose aforesaid shall be approved by a majority of the votes of the legal voters of the city of Baltimore, cast at the time and place to be appointed by said ordinance in the provisions for submitting the same to the legal voters of said city.

1904, ch. 274, Sec. 2.

§~~341~~41b. The Mayor of the City of Baltimore (if the loan provided for in the next preceding section of this article shall be approved) is authorized to appoint, in the manner prescribed in section 25 of this Article, four capable and upright citizens, property owners and residents of the Annex portion of Baltimore City, two of whom shall be members of the Republican party, who together with the Mayor, Comptroller, City Engineer and Commissioners for Opening Streets, as *ex-officio* members, shall constitute a special commission, to be known as the "Annex Improvement Commission", and who shall continue in office until the work of said commission has been completed; in case of death, resignation or removal from office of any of said commission, the Mayor shall have authority to appoint another to fill said vacancy. The members of said commission, other than the *ex-officio* members, shall receive compensation for their services at the rate of fifteen hundred dollars per annum, except the chairman thereof, who shall receive compensation at the rate of two thousand dollars per annum. A majority of the members of said commission shall be a lawful quorum for the transaction of business. As soon as the appointed members of said commission shall have qualified, they shall organize by the election of one of its members as chairman of said commission, who shall be removable at pleasure by said commission and who shall preside over the meetings of said commission and perform such other duties as are imposed on him by this sub-division of this article, or may be assigned

Annex Improvement Commission.

Compensation for services rendered.

Secretary.

to him by said commission ; and they shall elect a secretary, not a member of said commission who shall be removable at pleasure of said commission, and receive compensation not to exceed the sum of twelve hundred dollars per annum; the said secretary shall keep a record of the proceedings of said commission and perform such other duties as are imposed or assigned to him by said commission. All records of said commission shall be public, and the commission shall make annual reports to the Mayor and City Council of Baltimore of its official transactions and all expenditures. The Mayor and City Council of Baltimore shall provide proper offices for said commission. The said commission shall have authority and power to employ any help or assistance necessary to promote the object and purpose of this commission and its work, and to fix the compensation of such help and to remove or discharge them at their pleasure ; also to purchase necessary office furniture and stationery.

Power to employ assistants.

1904, ch. 274, Sec. 3.

Rights of said Commission.

§841c. Said commission shall have the right and power to condemn, lay out, open, extend, widen, straighten, close, grade and pave any street, avenue, lane or alley or any part thereof, from curb to curb ; and to establish and fix the building line and the width of the sidewalks on any street, avenue, lane or alley now existing or to be laid out, opened, extended, widened, straightened, graded or paved in the Annex portion of the City of Baltimore. Said commission shall have all powers necessary and proper in the exercise of said powers ; and the Mayor and City Council of Baltimore is hereby authorized and empowered to grant by ordinance any further powers and duties it shall deem necessary for the proper execution of the improvements intended to be made by this sub-division of this article.

Flack v. M. & C. C. of Baltimore, Daily Record, July 6, 1906; to be reported in 103 Md.

1904, ch. 274, Sec. 4.

To secure maps etc., for its guidance.

§841d. Immediately after the appointment and organization of said commission it shall cause to be prepared for

its guidance and use a map or maps of the entire Annex portion of the city of Baltimore or any part or parts thereof, showing the streets, avenues, lanes and alleys and the number of houses situated in and the area of each block of ground in said Annex, and such other information as may be desired. The said commission is hereby authorized to direct any municipal officer, agent, employe or board of the Mayor and City Council of Baltimore to furnish such maps and information and to give such other assistance, information and advice as may be requisite to enable said commission to have prepared such map or maps and put such proposed changes, addition or improvements on them, and to give such other assistance, advice and information as said commission may require to carry into effect its work under this sub-division of this article.

1904, ch. 274, Sec. 5.

§841e. The said commission hereby created shall be the agent of the Mayor and City Council of Baltimore to acquire by gift, purchase, lease, whatever the duration of the lease, or by other methods of acquisition or by condemnation, any private property whatsoever, including streets, avenues, lanes and alleys, rights or interests, franchises, privileges or easement, that may be required to open, widen, extend, straighten, close, grade or pave any street, avenue, lane or alley, or to broaden any sidewalk; and as soon as the title to the property acquired as set forth herein has been certified by the City Solicitor, said commission shall have the same conveyed to the Mayor and City Council of Baltimore, and no ordinance shall be requisite to the validity of such conveyance; said streets, avenues, lanes and alleys so conveyed shall become public highways, subject to all ordinances and resolutions relating to streets, avenues, lanes and alleys in the city of Baltimore. Authority is hereby conferred upon the Mayor and City Council of Baltimore to provide by ordinance or ordinances the proceedings for a condemnation of property as herein set forth by the said commission.

Commission to
act as agent
for municip-
ality.

Authority con-
ferred.

Flack v. Mayor, etc., Baltimore, Daily Record, July 6, 1906. To be reported in 103 Md.

1904, ch. 274, Sec. 6.

Abutting prop-
erty owners
liable.

§841f. No money shall be expended by said commission to pay for the improvement of sidewalks in the said Annex, but same shall be done at the expense of the owner or owners of property along and upon the streets, avenues, or lanes on which the said sidewalks are to be placed; authority is given said commission to assess said property for the cost and expenses of said sidewalks, and to collect the same as now prescribed by law or ordinances.

1904. ch. 274, Sec. 7.

Authorized to
enter into
contracts.

§841g. Said commission is hereby authorized and empowered to contract with any person, persons, company or corporation for the work of opening, grading, curbing and paving the streets, avenues, lanes and alleys of the Annex as intended by this sub-division of this article, or to employ the necessary laborers, help and assistance skilled and unskilled, and perform the work under their own supervision. The costs and expenses of said work and all necessary expenses of this commission to be paid out of the loan as provided in section §841a of this article, upon vouchers approved by the said commission or its chairman, and presented to the Comptroller and City Register of the City of Baltimore.

Flack v. Mayor, etc., Baltimore, Daily Record, July 6, 1906. To be reported in 103 Md.

1904, ch. 274, Sec. 8.

Sewerage and
drainage.

§841h. The Mayor and City Council of Baltimore shall prescribe by ordinance the methods and proceedings for the sewerage and drainage of said Annex and to provide the costs and expenses of same out of any fund or funds now or hereafter available.

1904, ch. 274, Sec. 9.

Completed por-
tions of
work.

§841i. The said commission is hereby authorized as its work progresses to turn over from time to time, such completed portions of said work as it may see fit to the charge,

superintendence and control of the proper City officials, and shall on the termination of its work turn over all the records, writings, maps, reports, to the Commissioners for Opening Streets, to be by them preserved and to be used as the papers and records of their office.

1904, ch. 274, Sec. 10.

§841j. Provided, however, in lieu of said commission hereinbefore provided for in Section §841b of this article, the Mayor and City Council of Baltimore may by ordinance authorize and empower the Commissioners for Opening Streets of Baltimore City to perform the duties and functions in this sub-division of this article heretofore provided for the said commission.

Commissioners for opening streets may act in their capacity.

Paving Commission and \$5,000,000 Paving Loan.

1906, ch. 401, Sec. 1.

§841k. The Mayor of the City of Baltimore is authorized to appoint in the manner prescribed by Section 25, of Article 4 (entitled "City of Baltimore") of the Public Local Laws of Maryland, and subject to the condition that two of the appointees shall be members of the minority party within the meaning of Section 30 of said Article, five capable and upright citizens of the City of Baltimore, who, together with the Mayor himself *ex-officio*, shall constitute a Special Commission, to be known as the Paving Commission of the City of Baltimore, and who shall continue in office from year to year until the work of said Commission under this Act, as limited by the pecuniary provision hereinafter made therefor, has been completed. If, however, the Second Branch of the City Council of the City of Baltimore shall reject three several and successive nominations by the Mayor to any position on said Commission, he shall be empowered to make an appointment thereto without its confirmation. All persons appointed to said Commission shall qualify and be subject to removal by the Mayor (except that there shall be no removal at any time save for

Paving Commission to be appointed by the Mayor.

Mayor to be member thereof *ex-officio*.

Term of office.

When appointments to Commission may be made by Mayor without confirmation.

Qualification and removals.	cause after charges preferred) as prescribed by said Section 25 of Article 4 (entitled "City of Baltimore") of the Public Local Laws of Maryland. Any member of said Commission may at any time resign therefrom by tendering his resignation in writing to the Mayor, and any vacancy in said Commission occasioned by the resignation, removal, death or permanent absence from this State of the incumbent, or by supervening incapacity upon his part, whether physical or mental, to discharge his duties or by any other cause operating such a vacancy, either actually or in effect, shall be filled by the Mayor in the manner and subject to all the conditions as to minority representation, qualification and removal hereinbefore provided for as to original appointees to said Commission. All the members of said Commission, except the Chairman thereof, as hereinafter provided, shall serve without compensation, and a majority of said members shall be a lawful quorum for the transaction of business, so soon as the appointive members of said commission shall have qualified they shall, with the Mayor acting as a member of said commission, <i>ex-officio</i> organize by the election of one of the members of said Commission as Chairman of said Commission, who shall be removable at pleasure by said Commission, shall receive such compensation as it may determine, not exceeding the sum of \$2,500 per annum, and shall preside over the meetings of said Commission and perform such other duties as are imposed upon him by this Act, or as may be assigned to him by said Commission, and by the election of a secretary not a member of said Commission, who shall be removable at pleasure by said Commission, shall receive such compensation as it may determine, not exceeding the sum of \$1,500 per annum and shall enter in a well bound book and carefully preserve neat, legible and accurate minutes of all meetings of said Commission, and perform such other duties as usually appertain to the office of secretary of a private corporation, or as are imposed upon him by this Act, or as may be assigned to him by said Commission. All sessions or meetings of said Commission shall be open and public; and all its records shall be public records, and it shall annually make to the Mayor a detailed report of all its official transaction and expenditures.
Vacancies, how to be filled.	
Commission to serve without compensation; except the chairman.	
Organization of Commission.	
Salary of Chairman; his duties.	
Secretary.	
Salary and duties of Secretary.	
Meetings of Commission.	

1906, ch. 401, Sec. 2.

§8411. The said Commission is empowered to grade, shell, gravel, macadamize, pave or otherwise surface and curb, regrade, reshell, regravel, remacadamize, repave or otherwise resurface and recurb, according to such general and comprehensive plan or plans in the premises as may be adopted by it, all such public lanes, alleys, avenues, streets or highways, or all such parts thereof in the City of Baltimore, as in the judgment of the said Commission, should be so graded, shelled, graveled, macadamized, paved or otherwise surfaced and curbed, regraded, reshell, regravel, remacadamized, repaved or otherwise resurfaced or recurbed, and the said Commission shall be clothed with each and every and all powers which may be necessary or proper for these purposes or either of them, among which powers shall be the following, that is to say:

Commission to grade, pave etc., streets etc. of city.

Commission to adopt plan for this purpose.

To have all necessary powers.

1. To make all such preliminary investigations and to do all such preliminary work as should, in its judgment precede the adoption by it of a plan or plans of street improvement under this Act.

Powers conferred upon Commission enumerated.

Preliminary work.

2. To adopt such plan or plans of street improvement under this Act as it may deem best calculated to promote the object of this Act.

To plan street improvements.

3. To do all such grading or regrading and to lay construct or create all such pavements or other street surface improvements as it may deem expedient for carrying said plan or plans of street improvement into full effect, and to select in its exclusive discretion such kinds of paving or other street surface improvement material as it may deem best, provided however that where the plans of the sewerage commission of Baltimore City provide for sewerage arrangements in any street the said street shall not be newly paved with improved pavement until all such sewerage arrangements have been finally completed in the bed thereof.

To do the work of grading and making necessary pavements, etc.

Proviso.

4. To incorporate with said plan or plans of street improvement, or otherwise utilize for the purposes of this Act, so far as it may deem expedient, any or all existing public pavements or street surface improvements in the

To utilize existing public improvements where expedient.

City of Baltimore, either in their present condition or with such repairs, modifications or changes as the said Commission may see fit to make, and to condemn, take up and remove in its discretion any or all such existing public pavements or street surface improvements, and to substitute therefor such other pavements or street surface improvements as it may deem proper.

- To employ necessary experts, agents, assistants and labor. 5. To appoint or employ professional or technical advisers and experts and such agents, assistants, clerks, employes and laborers, skilled and unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties devolved upon it by this Act, or any of them and to fix their respective compensations and to remove or discharge them at its pleasure (except such highly trained, experienced or skilled individuals as it may agree to appoint or employ upon special terms for definite and fixed periods of time), and to exact from them such indemnity bonds for the proper performance of their respective duties as it may deem proper, provided however that the Chief Engineer of such Commission under this Act shall be the City Engineer.
- To require bonds. City Engineer to be Chief Engineer. 6. To frame, publish and enforce such reasonable rules and regulations for its own government and for the supervision, protection, management and conduct of its work as it may deem expedient.
- Rules and regulations. 7. To make and enter into in the name and on behalf of the Mayor and City Council of Baltimore any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this Act.
- Contracts. 8. To purchase, hire or otherwise lawfully obtain the use of all such machinery, tools, implements, appliance, supplies, materials and working agencies as it may need for its purposes, provided, however, that this enumeration of special powers shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon said Commission.
- Machinery and tools.

1906, ch. 401, Sec. 3.

Acquisition of property to further improvements.

§841m. The Mayor and City Council of Baltimore, acting by and through the agency of said Commission may

acquire by gift, purchase or other like methods of acquisition, or by condemnation, any private property, rights or interests, franchises or easements that may exist in any part or parts of any of the beds of any of the public lanes, alleys, avenues, streets or highways hereinbefore mentioned, and that said Commission may require for the purpose of giving full effect to the objects of this Act, and when and so often as resort shall be had to condemnation proceedings, the procedure shall be such as may now or at any time hereafter be provided for by any lawful ordinance or ordinances of the Mayor and City Council of Baltimore, adopted pursuant to the powers conferred upon it by section 6, Article 4 ("entitled City of Baltimore"), of the Code of Public Local Laws of Maryland, title "General Powers," sub-title "Condemnation of Property," for the condemnation of any land or property or interest therein situated wholly or partly within the City of Baltimore, or such as may be provided for the very purpose by any lawful ordinance or ordinances of the Mayor and City Council of Baltimore, which said ordinance or ordinances the Mayor and City Council of Baltimore is hereby fully authorized to adopt; provided provision is made therein for reasonable notice to the owner or owners, and for appeals to the Baltimore City Court, including the right of appeal to the Court of Appeals, by any person interested, including the Mayor and City Council of Baltimore, from the decision of any Commissioners or other persons appointed to value any such private property, rights or interests, franchises or easements.

Procedure in case condemnation proceedings are resorted to.

1906, ch. 401, Sec. 4.

§841n. All individuals and corporations lawfully having buildings, structures, works, conduits, drains, mains, pipes, tracks or other physical obstructions in, over or under the public lanes, alleys, avenues, streets or highways of the City of Baltimore, which shall block or impede the progress of the work of said Commission when under way, shall upon reasonable notice from said Commission, promptly so shift, adjust, accommodate or remove the same, at their

Individuals and corporations required to adapt their buildings, structures, works, conduits, mains, drains, etc., to the plan of improvements contemplated under this Act.

Penalty for
refusal.

own cost and expense, as to fully meet the exigencies occasioning such notice ; and if any individual or corporation shall refuse, neglect or fail, after such reasonable notice, to discharge any duty cast upon him or it by this section, he or it shall, in addition, but not in substitution for any other remedy or remedies that said Commission or the Mayor and City Council of Baltimore may have in the premises, be subject to a fine of one hundred (\$100) dollars for each and every such offense, and also to an additional fine of fifty (\$50) dollars a day for every day that said refusal, neglect or failure shall continue, said fines to be collected as other fines in the City of Baltimore are collected, and should the exigencies of said Commission and its work in any cause involve a taking, in the constitutional sense, of the franchise or right, in the exercise of which such obstruction had its origin, the Mayor and City Council of Baltimore shall be empowered to secure the condemnation of such franchise or right in the manner provided for in section 3* of this Act.

1906, ch. 401, Sec. 5.

Contracts to be
awarded in
accordance
with Sections
14 and 15 of
Charter.

Labor of resi-
dents to be
preferred
where prac-
ticable.

§841o. All work done, or supplies or materials purchased, in carrying out the purposes of this Act, when involving an expenditure of five hundred (\$500) dollars or more, shall be by contract awarded to the lowest responsible bidder, in accordance with the provisions of Section 14 and 15 of Article 4 (entitled "City of Baltimore") of the Public Local Laws of Maryland, *provided*, however, that said Commission shall be empowered, if it see fit, to insert in the specifications for any such work reasonable and lawful conditions as to hours of labor, wages and the residence or character of workmen to be employed by the contractors, and especially so far as it may be practicable in the judgment of said Commission, such reasonable and lawful conditions as will tend to confine employment on such work, in whole or in part, to permanent and *bona fide* residents of the State of Maryland only ; and *provided*, however, also, that said Commission with the consent of all its members, may itself do any part or parts of any such work,

*NOTE.—Section §841m, *ante*, p. 538.

under such conditions in every respect as it may prescribe, by day labor, whenever the Chief Engineer in writing shall recommend that course; *provided*, however, that in that event said Commission shall among its other powers in the premises, be empowered to devise, publish and enforce such rules and regulations as will make merit and personal fitness, ascertained by some system of open competition or registration, or both, the sole tests of eligibility for all positions or employments under its control, which it may see fit to embrace within the scope of said rules and regulations, which, however, may be limited to permanent and *bona fide* residents of this State in any particular. Any and all bids or parts of bids for any such work or supplies or materials may be rejected.

When day labor may be employed.

Merit system in selection of employees.

Bids.

1906, ch. 401, Sec. 6.

§841p. In order to provide money for the work to be done by said Commission under this Act, as and when portions of such work are from time to time being done, the Mayor and City Council of Baltimore is hereby authorized to issue the stock of said corporation to an amount not exceeding \$5,000,000 said stock to be issued from time to time and in such amounts as the Mayor and City Council of Baltimore shall by ordinance prescribe; *provided*, however, that not more than \$1,000,000 of said stock shall be issued in any one year, and to be payable at such times and to bear such rate or rates of interest as the Mayor and City Council of Baltimore shall, by ordinance, provide, said amount of stock shall be sold and issued by the Commissioners of Finance of the City of Baltimore at the best price obtainable, in their judgment therefor, and any premiums derived from the sale thereof shall remain in their hands as parts of the sinking fund hereinafter mentioned. The residue of the money received from the sale of said amounts of stock shall be turned over by them to the Comptroller, to be by him deposited with the City Register and to be placed to the credit of the fund to be known as the "New Paving Fund," which shall be exclusively applicable to the cost of the work authorized by

Stock issue not exceeding \$5,000,000 authorized.

Not more than \$1,000,000 to be issued annually.

Sinking fund.

Appropriations.

this Act and shall be chargeable with no other items or of cost expense whatsoever; appropriations for the cost of said work, based upon the estimates of said Commission, shall be annually included by the Board of Estimates in the usual way, in the ordinance of estimates, and, upon the written requisitions, supported by proper vouchers of the Chairman of said Commission, or of the Chairman *pro tempore* of said Commission, countersigned by the Secretary of said Commission, or by the Secretary *pro tempore* of said Commission, either of which temporary officers said Commission is hereby authorized to appoint by vote or resolution, in the event of the absence, sickness or other disability for the time being of its Chairman or Secretary, respectively, the Comptroller shall draw his warrants upon the City Register, payable out of such appropriations from said special fund for the amounts of all items of cost or expense properly chargeable upon said special fund. But no part of said stock shall be issued nor any member of said Commission appointed until the ordinance of the Mayor and City Council of Baltimore providing for the issuance thereof shall be submitted to the legal voters of the City of Baltimore at such time and place as may be fixed by said ordinance, and be approved by a majority of the votes cast at such time and place as required by Section 7 of Article 11 of the Constitution of Maryland; if issued pursuant to such approval the Mayor and City Council of Baltimore, shall levy in each and every year upon all property liable to taxation in the City of Baltimore a sum sufficient, with the aid of the assessments hereinafter mentioned, to pay the interest accruing on said amounts of stock and to create a sinking fund sufficient, with the aid of premiums on the sale thereof, to redeem said amounts of stock at their respective dates of maturity.

Manner of disbursing appropriations made for the work of Commission.

Issue of Stock to be approved by people.

Sinking fund to be created.

1906, ch. 401, Sec. 7.

Assessment of cost of improvements contemplated by Act.

§841q. Said Commission is required according to such system, or systems of procedure, and in such manner generally as shall be prescribed by the Mayor and City Council of Baltimore to assess two-thirds of the entire cost

of grading, shelling, graveling, macadamizing, paving or otherwise surfacing and curbing, regrading, reshelling, regravelling, remacadamizing, repaving or otherwise resurfacing and recurbing any public lane, alley, avenue, street or highway, or part thereof, in the City of Baltimore under this Act, which, in the judgment of said Commission, should be so improved, not including, however, any portion of the cost of the cross public highways, which, as well as the remaining one-third of said entire cost, shall be borne by the Mayor and City Council of Baltimore and also 3 per centum of said two-thirds of said entire cost for costs and expenses upon the property binding upon such lane, alley, avenue, street or highway or part thereof; and the Mayor and City Council of Baltimore is hereby authorized and directed to provide for the payment of such assessments, including said 3 per centum thereof, in such numbers of annual installments as it may deem proper, together with such interest thereon, not exceeding 5 per centum per annum, as it may deem expedient, with such provision also for the prepayment, or prepayment with discounts, of such assessments, including said 3 per centum thereof at the option of the owners of said property, as it may decide upon, and said assessments, including said 3 per centum thereof together with said interest thereon, shall be liens on the parcels of said property upon which said assessments shall be respectively assessed in the same way that other City taxes in the City of Baltimore are now liens, and shall be collected and enforced, as other City taxes in the City of Baltimore are now collected and enforced or in such other manner as the Mayor and City Council of Baltimore shall prescribe; provided, however, that reasonable notice and an opportunity to be heard shall be required by the Mayor and City Council of Baltimore to be given and shall be given by said Commission, to all persons interested before the final ascertainment of the amount of assessment to be paid by any such property, and provided, however, further, that provision shall be made by the Mayor and City Council of Baltimore for the right of appeal to the Baltimore City Court, including the right of appeal to the Court of Appeals by any person or

Cost of cross streets.

How assessments are to be paid.

Lien of assessments.

Collection of assessments.

Notice and hearing in fixing assessments.

Appeals.

M. & C. C. of Balto. to pass necessary ordinances to effectuate objects of this section.

Application of money from such assessments.

persons interested, including the City itself, from the decision of said Commission in determining the amount of assessment to be paid by any such property. The Mayor and City Council of Baltimore is hereby empowered to pass any and all such ordinances not repugnant to the provisions of this section of this Act as may be necessary or proper in its judgment to fully effectuate the objects of this section of this Act, or any of them. All money derived from said assessments, and all interest thereon, when collected shall be held, used and applied in such manner as the Mayor and City Council of Baltimore shall prescribe for the payment, so far as said money will go, of the amounts of stock of the said corporation issued as hereinbefore mentioned and of the interest to accrue thereon.

1906, ch. 401, Sec. 8.

Street railway companies to pave space between tracks and two feet on either side thereof of streets occupied by their tracks and this Act not to modify their existing legal obligations.

§841r. The Mayor and City Council of Baltimore is likewise authorized to impose upon all street railway companies occupying with their tracks parts of the beds of streets, avenues or other highways in the City of Baltimore upon which work shall be done under this Act of the obligation to pay for said work so far as the same shall be done between the rails of their said tracks and for a space of two feet on either side thereof, and the Mayor and City Council of Baltimore is further authorized to enforce said obligation by all such appropriate agencies, means, processes, proceedings and remedies as it may ordain for the purpose; but nothing in this Act shall be taken as in anywise relieving any such company or any other corporation or person from any obligations in its or his relations to the public highways of the City of Baltimore now cast upon it or him by law.

1906, ch. 401, Sec. 9.

§841s. While the work authorized by this Act is being done by said Commission the respective duties and powers of the City Engineer and Commissioner of Street Cleaning and other City officials in their relations to the pavements

and other street surface improvements of the City of Baltimore shall, subject to the duties and powers hereby conferred upon said Commission, continue as at present, and said Commission shall be authorized as its work progresses to turn over from time to time, in its discretion, such completed portions of said work as it may see fit to the charge, superintendence and control of the proper City officials. When its work under this Act has been completed the life of said Commission as originally appointed and as subsequently recruited by appointments to occasional vacancies, if any, shall come to an end, and the pavements and other street surface improvements constructed or made by it, so far as they have not already been surrendered to the charge, superintendence and control of said officials, shall be then so surrendered, and at the same time all the records, writings and papers of said Commission shall be delivered up to the City Librarian; to be preserved in his office, and all property and effects in its possession belonging to the City to the Comptroller, to be disposed of by him as may be provided by ordinance.

Duties and powers of certain heads of Departments to continue as at present and streets when completed are to be turned over to care of proper officials.

Provisions for closing work of the Commission.

1906, ch. 401, Sec. 10.

§841t. The Act of the General Assembly of Maryland, entitled "An Act to authorize the Mayor and City Council of Baltimore to issue its certificates of stock to an amount not exceeding Five Million Dollars (\$5,000,000) for the purpose of providing the money to pay at the time of doing the work, the portion of the cost and expenses of grading, paving and curbing the streets, lanes and alleys of the City of Baltimore, assessable upon the property benefited thereby, and for the reimbursement of the City of Baltimore in respect thereto out of the money derived from said assessments" and approved April 7, 1900, is hereby repealed.

Repeal of Act 1900, ch. 523.

Street Dirt, Sweepings and Garbage.

1902, ch. 327.

§841u. The Mayor and City Council of Baltimore is hereby authorized to enter into an agreement with

Authority to enter into an agreement for the disposal of street sweepings, dirt, ashes, garbage, etc.

the United Railways and Electric Company of Baltimore, or any person, company or corporation, for the carriage and disposal from proper places that may be agreed upon for transportation on the cars of said Company for final disposition at proper places situated on or near its system of tracks in this State of such street sweepings, dirt, ashes and garbage as may be collected by the Mayor and City Council of Baltimore, or its duly constituted employes and agents and delivered to said United Railways and Electric Company of Baltimore for final transportation at such places as may be agreed upon, on such terms and conditions as may be agreed upon between the Mayor and City Council of Baltimore and the United Railways and Electric Company of Baltimore, or any person, company or corporation ; and should the Mayor and City Council of Baltimore by ordinance provide for the collection of street dirt, sweepings, garbage and ashes by other persons than the duly constituted officers or employes of said City of Baltimore, then said other person or persons shall have the same right to enter into an agreement for the final transportation of said street sweepings, dirt, garbage and ashes as mentioned aforesaid ; provided, however, that nothing in this Act shall be construed to confer any right upon the Mayor or City Council of Baltimore to contract with said United Railways and Electric Company of Baltimore, or any person, company or corporation, for the collection of street sweepings, ashes and garbage from the streets, lanes, alleys and other ways of the said City of Baltimore, but shall simply apply to the final transportation and disposal of said street sweepings, dirt, garbage and ashes from certain specified places to the final disposition as heretofore mentioned ; provided, further, that the cars, boxes, bins, houses or receptacles in which said street sweepings, dirt, garbage and ashes are deposited and retained awaiting final disposition, and the cars, boxes, bins, or other receptacles in which said street sweepings, dirt, garbage and ashes may, should or are to be transported from said place of deposit to the place of final disposition shall be closed and covered in such manner as may be provided for by the Mayor and City Council of Baltimore, and

shall only be transported, conveyed and carried from said places of deposit to the final disposition through the streets of said city only between the hours of one and five o'clock A. M.

SURVEYOR.

P. G. L., (1860) Art. 37, Sec. 48. P. L. L., (1860) Art. 4, Sec. 865.
P. L. L., (1888) Art. 4, Sec. 826.

842. A copy of the plat of the City of Baltimore from the record thereof in the Mayor's office, or from the record thereof in the office of the Clerk of the Superior Court of Baltimore City, duly certified under seal by the keeper of such records, respectively, shall be evidence. Plat of City to be evidence.

TAXES.**

Limitations.

1861 ch. 94. P. L. L., (1888) Art. 4, Sec. 840.

843. All taxes now levied, or which hereafter may be levied in the City of Baltimore, shall be collected within four years from the levying of the same; and the collection of taxes shall not be enforced by law after the lapse of said four years, and the party from whom said taxes may be demanded may plead this section in bar of any recovery of the same. Any person enforcing or attempting to enforce the collection of any tax after the lapse of four years, shall be liable to a penalty of twenty dollars for each and every offence, recoverable before a Justice of the Peace, in the name of the State, one-half to the informer, the other half to the City of Baltimore. To be collected within four years.

M. & C. C. of Balto., *v.* Greenmount Cemetery, 7 Md. 517. *Gunther *v.* Mayor, 55 Md. 457. *Gould *v.* Mayor, etc., 58 Md. 46; 59 Md. 378. Hebb *v.* Moore, 66 Md. 167. Perkins *v.* Dyer, 71 Md. 422. Condon *v.* Maynard, 71 Md. 604. Baden *v.* Perkins, 77 Md. 465. Duval *v.* Perkins, 77 Md. 591. Baldwin *v.* State, use of Hull, 89 Md. 587. B., C. & A. R. R. Co. *v.* Wicomico Co., 93 Md. 113.

**NOTE.—Act 1904, ch. 263, exempts certain property conveyed to the Minister and Trustees of Starr M. P. Church of Baltimore City, from municipal taxation.

TENANT FOR YEARS OR LESS OR AT WILL.**

P. L. L., (1860) Art. 4, Sec. 882. P. L. L., (1888) Art. 4, Sec. 857.

844. Where any lands or tenements in the City of Baltimore are held from year to year, the tenancy shall be terminated if the lessor give to the tenant ninety days' notice before the end of the year.

Notice to "tenant from year to year."

Biggs v. Stueler, 93 Md. 100.

P. L. L., (1860) Art. 4, Sec. 883. P. L. L., (1888) Art. 4, Sec. 858.

Notice to tenant for less than a year.

845. If any land be held in said City under a lease for a month, or any less period than a year, and the tenant continues to occupy under such lease after its expiration, he shall be deemed a tenant for such period as the premises were originally leased to him, and so from such period to

****NOTE.**—See notes of decisions in relation to sections 844 to 864, inclusive, of this Article, on pages 1099 to 1103, inclusive, City Code, (1879).

Landlord and Tenant. Ninety days' notice was given by a landlord to a tenant at will. This notice held sufficient. *McElroy v. Wright*, Daily Record, March 7, 1889. The renting of a tenement for an indefinite time, and an occupation thereof for a year, constitute a tenancy for a year.—*Lutz v. Lutz*, Daily Record, July 9, 1889. Where the tenant enter under a void lease, he will be held liable under a verbal agreement of similar import as to terms to that expressed in writing. *Ehrman v. Lyman*, Daily Record, July 18, 1889. An assignee of a leasehold estate is liable for the rent which accrued after he executed an assignment of the term and before the same was recorded. See, able opinion of Judge Duffy in this case, affirmed in 75 Md., page 174. *Nickel v. Brown*, Daily Record, October 7, 1891.

When Landlord Cannot Petition in an Attachment Suit for Arrearages of Rent.—When right of distress does not exist, the landlord has no lien entitling him to come into an attachment suit by petition as sanctioned by *Thompson v. Balto. Steam Packet Co.*, 33 Md. 318, and claim a priority for rent in arrear. *Putman's Sons v. Van Buren*, Daily Record, November 27, 1890.

Landlord's Remedy for Rent when Tenant's goods are seized by writ of attachment and goods sold under order of court.—Landlord should go into court and claim payment of his rent as a prior lien on proceeds, by reason of his *quasi* lien on the goods. *Lutz v. Lutz*, Daily Record, July 9, 1889.

such period; and if his landlord give him thirty days' notice before the termination of any period of his tenancy, it shall terminate such tenancy.

Kinsey *v.* Minnick, 43 Md. 112.

P. L. L., (1860) Art. 4, Sec. 884. P. L. L., (1888) Art. 4, Sec. 859.

846. If land or tenements be held in said City by tenancy at will, at sufferance or *per autre vie*, thirty days, notice by the landlord or reversioner to the tenant or occupant shall terminate such tenancy at the expiration of thirty days. Notice to tenant at will or otherwise.

P. L. L., (1860) Art. 4, Sec. 885. P. L. L., (1888) Art. 4, Sec. 860.

847. Any of the tenancies mentioned in the three preceding sections may be terminated by the tenant giving notice to the landlord thirty days previous to the end of the year, or other period for which he holds the same. Tenant's notice to landlord.

Kinsey *v.* Haslup & Minnick, 43 Md. 112. Biggs *v.* Stueler, 93 Md. 100.

P. L. L., (1860) Art. 4, Sec. 886. P. L. L., (1888) Art. 4, Sec. 861.

848. The notice required by the preceding sections shall be in writing and served on the tenant, or left at his place of abode or business, or served on his agent or served on his agent or servant, or served on occupant of the premises; and if there be no person living on the premises the same may be served by being set up on a conspicuous part of the premises. Notice to be in writing.

Kinsey *v.* Minnick, 43 Md. 117. Biggs *v.* Stueler, 93 Md. 103.

P. L. L., (1860) Art. 4, Sec. 887. P. L. L., (1888) Art. 4, Sec. 862.

849. Such notice shall be sufficient in form if it contains a request by the landlord to the tenant to leave the premises, or if it state the intention of the tenant to leave the same, and it need not state the time when the tenant is requested to leave the same, or when the tenant intends to do so. Conditions in notice.

P. L. L., (1860) Art. 4, Sec. 888. P. L. L., (1888) Art. 4, Sec. 863.

Rights under
notice.

850. Such notice, without any additional notice, shall entitle the landlord to the benefit of the law providing for the speedy recovery of the possession of lands or tenements held over by tenants.

P. L. L., (1860) Art. 4, Sec. 889. P. L. L., (1888) Art. 4, Sec. 864.

Special notice
by agree-
ment.

851. If by agreement of the parties the time and manner of notice is specified, such notice shall be given as the agreement provides, and when given by the landlord, shall entitle him to all the benefits of the preceding sections, without any other notice.

1861, ch. 96. P. L. L., (1888) Art. 4, Sec. 865.

Jurisdiction of
Justices of
the Peace.

852. One Justice of the Peace of said City shall have all the powers conferred upon two justices and a jury by the Public General Laws in relation to landlords and tenants, subject to appeal as in other cases of judgments by Justices of the Peace in said City.

Miller v. Duvall, 26 Md. 51.

P. L. L., (1860) Art. 4, Sec. 891. P. L. L., (1888) Art. 4, Sec. 866.

Service of
summons.

853. If the summons issued for the tenant in a proceeding to dispossess him be returned *non est*, a second summons, returnable in not less than five days shall be issued, and if the tenant shall not be found, a copy of the second summons shall be left with the occupant of the premises, or if they be vacant, affixed to some principal building, or if no building, then set up on the premises; and on the day assigned in the summons for the appearance of the party the Justice shall proceed as if he had appeared.

P. L. L., (1860) Art. 4, Sec. 892. P. L. L., (1888) Art. 4, Sec. 867.

Interrogatories
to tenant.

854. The landlord or reversioner may file with the Justice interrogatories to be answered by the tenant touching the tenancy or notice, or for any other matter of evidence in support of the pretensions of said landlord or reversioner, in and about such proceeding.

P. L. L., (1860) Art. 4, Sec. 893. P. L. L., (1888) Art. 4, Sec. 868.

855. If a copy of such interrogatories be served on the tenant, he shall answer the same before the third day, exclusive of the day of service; and upon his failure to answer the matters inquired of by such interrogatories, they shall be taken as confessed by him; but on cause shown, the Justice may give further time for answering, not exceeding eight days in the whole, from and exclusive of the day of service.

Answers of
tenant.

P. L. L., (1860) Art. 4, Sec. 894. P. L. L., (1888) Art. 4, Sec. 869.

856. The copies of said interrogatories may be served in the same manner that notices to quit are directed to be served.

Service of in-
terroga-
tories.

P. L. L., (1860) Art. 4, Sec. 895. P. L. L., (1888) Art. 4, Sec. 870.

857. If in any proceeding by a landlord to dispossess a tenant the judgment be in his favor, the Justice shall assess against the tenant holding over the premises, damages not exceeding double the rate of the rent of said tenancy, and also for the expenses of said landlord or reversioner in and about said proceeding, over and above the legal costs thereof, and shall render a judgment therefor in favor of the lessor or reversioner, to be enforced by execution.**

Damages
against ten-
ant.

P. L. L., (1860) Art. 4, Sec. 896. P. L. L., (1888) Art. 4, Sec. 871.

858. If the Justice shall find against the landlord or reversioner he shall assess such damages as he shall deem just to be paid by him to the tenant, for which, and costs, judgment shall be rendered and enforced as aforesaid.

Damages
against land-
lord.

Miller v. Duvall, 26 Md. 51.

****NOTE.**—Under this section (857), it is the duty of the Court to assess against a tenant holding over, damages not exceeding double the rate of rent of the tenancy, and also such further sum for the expenses of the landlord in and about said proceedings over and above the legal costs therein. *McElroy v. Wright*, Daily Record, March 7, 1889.

P. L. L., (1860) Art. 4, Sec. 899. P. L. L., (1888) Art. 4, Sec. 872.

Tenant holding over after notice to quit.

859. In all cases the tenancy mentioned in this sub-division of this Article, if the tenant, after notice, fail to quit at the end of the term, or at a period when he shall begin as aforesaid to be holding over, such tenant, his executors or administrators, may, at the election of the lessor, his heirs, executors, administrators, or assigns, be held as a tenant and bound to pay double the rent to which the said tenancy was subject, and payable and recoverable in all respects and to every effect as if, by the original agreement or the understanding as to such tenancy, said double rent were the reserved rent of the demised premises, according to the terms and conditions of payment of such originally reserved rent.

P. L. L., (1860) Art. 4, Sec. 900. P. L. L., (1888) Art. 4, Sec. 873.

Appeal to City Court.

Appeal Bond.

860. An appeal may be prosecuted from any judgment of a Justice of the Peace rendered under the provisions of this sub-division of this Article to the Baltimore City Court, in the manner and under the rules prescribed in cases within the ordinary jurisdiction of Justices of the Peace; the tenant, or his executors or administrators, in order to stay any execution of the judgment against them, giving, on such appeals, bond with security, with condition to prosecute the appeal with effect, and to answer to the landlord, his executors and administrators, all costs and damages, mentioned in the judgment, and such as shall be further incurred and sustained by reason of said appeal and the delay thence arising.

Miller *v.* Duvall, 26 Md. 47. Gelston *v.* Sigmund, 27 Md. 334. Mears *v.* Remare, 33 Md. 246. Same *v.* Same, 34 Md. 333.

P. L. L., (1860) Art. 4, Sec. 901. P. L. L., (1888) Art. 4, Sec. 874.

City Court has jurisdiction only on appeal.

861. Such cases shall not be removable to the Baltimore City Court, at any stage thereof, save by and upon appeal as aforesaid.

P. L. L., (1860) Art. 4, Sec. 902. P. L. L., (1888) Art. 4, Sec. 875.

862. No proceeding to dispossess a tenant holding over, had before any Justice of the Peace and removed by appeal to the Baltimore City Court, shall by such Court be reversed or set aside for matter of form; and any case thus removed by appeal, if the proceeding thereunder shall be set aside or appear to be substantially defective, shall be proceeded with in said Court in the same manner and to the same effect, upon the claim and complaint and merits, and upon evidence to be adduced therein as it was or might have been competent to said Justice of the Peace to have proceeded therewith.

No reversal for errors of form.

P. L. L., (1860) Art. 4, Sec. 903. P. L. L., (1888) Art. 4, Sec. 876.

863. Every such appeal shall be tried and finally determined and proceeded with at the first term to which such case shall be removed to the said court, unless for cause shown upon affidavit the court shall otherwise order.

To try at first term.

Mears v. Remare, 33 Md. 251.

P. L. L., (1860) Art. 4, Sec. 904. P. L. L., (1888) Art. 4, Sec. 877.

864. The provisions of the preceding sections of this sub-division of this Article, relating to tenants holding over, shall extend to the heirs, executors and assigns of lessors and reversioners, and to the executors and all persons holding under tenants, and to all cases where there are two or more tenants, in which case each tenant shall be entitled to the notices and the benefit of each condition contained in the preceding sections of this sub-division of this Article.

Rights of representatives of lessor and lessee.

VAGRANTS, PAUPERS, BEGGARS, VAGABONDS AND DISORDERLY PERSONS.

P. L. L., (1860) Art. 4, Sec. 907. P. L. L., (1888) Art. 4, Sec. 878.

865. The Judge of the Criminal Court of Baltimore, or any Justice of the Peace of the City of Baltimore, upon information that any person in said City is a pauper, an

habitual beggar, a vagrant, a vagabond or disorderly person, shall issue a warrant or order, to be directed to the Sheriff or any constable or police officer of said City, commanding him to bring the person against whom the information is given, before said Court or said Justice on a day to be named therein, not more than one week from the date of the warrant, to answer to the said charge.

P. L. L., (1860) Art. 4, Sec. 908. P. L. L., (1888) Art. 4, Sec. 879.

866. Every person who has no visible means of maintenance from property or personal labor, or is not permanently supported by his or her friends or relatives, and lives idle, without employment, shall be deemed a pauper; and every person who habitually wanders about and begs in the streets, or from house to house, or sits, stands or takes a position in any place and begs from passers-by, either by words or gestures, shall be deemed an habitual beggar; and every person who wanders about and lodges in outhouses, market-places, or other public buildings or places, or in the open air, and has no permanent place of abode, or visible means of maintenance, shall be deemed a vagrant; and every person who leads a dissolute and disorderly course of life, and cannot give an account of the means by which he procures a livelihood, and every fortune-teller or common gambler, shall be deemed a vagabond or disorderly person.**

Warrant for arrest upon information.
Pauper defined.
Habitual beggar.
Vagrant.

1888, ch. 284. P. L. L., (1888) Art. 4, Sec. 880.

867. Police officers, acting on the request of any person, or upon their own information or belief, shall, without a

****NOTE.** See, opinion of Harlan, C. J., in *re* State *v.* Carrie Parkhurst, Part II of the Criminal Court of Baltimore, declaring section 4 of Article 38, Baltimore City Code (1893), in conflict with sections 866-872 inclusive of the City Charter, and therefore invalid. Docket of 1901, case 1028.

Criminal Court, — Jurisdiction, of.—In cases of vagrancy, the Criminal Court of Baltimore City has appellate jurisdiction only; on a conviction before a Justice of the Peace, the accused may appeal to the Criminal Court. *Adams v. Superintendent House of Refuge*, Daily Record, April 3, 1903.

warrant, arrest and carry before a station house Justice for examination any such pauper, habitual beggar, vagrant, vagabond or disorderly person, and make complaint against him; *provided*, that in all cases where such arrest is made on request of any person and without warrant, the officer making the arrest shall require the person requesting it to forthwith appear before said Justice and prefer a charge, under oath, against the person so arrested.

Police may on request, arrest without warrant.

P. L. L., (1860) Art. 4, Sec. 909. P. L. L., (1888) Art. 4, Sec. 881.
1890, ch. 196. 1900, ch. 677.

868. The said Court or said Justice, upon proof that any person is a pauper, an habitual beggar, a vagrant, or a vagabond as aforesaid, shall in the discretion of the said Court or Justice commit said pauper, habitual beggar, vagrant or vagabond to the Maryland House of Correction, or to such other suitable place as may hereafter be provided for said purpose by the Mayor and City Council of Baltimore; *provided*, that any person found to be a pauper or an habitual beggar who may not be able-bodied, but aged, or seriously crippled or infirm, may in the discretion of said Court or Justice be committed to the almshouse of said City; and that any minor committed under this section may be sent to any reformatory institution to which minors may be committed under Article 27 of the Code of Public General Laws.

Place committed to.

P. L. L., (1860) Art. 4, Sec. 910. P. L. L., (1888) Art. 4, Sec. 882.

869. Whenever any house of refuge, house of correction, workhouse or other house, building or place shall be provided by the Mayor and City Council of Baltimore, to which persons convicted under this sub-division of this Article may be sent, the said Court or said Justice may send them to any such house, building or place, if the Judge of said Court or said Justice consider it to be a more suitable place for the purpose than the Almshouse.

Discretion as to place committed to.

P. L. L., (1860) Art. 4, Sec. 911. P. L. L., (1888) Art. 4, Sec. 883.

Must remain
for term com-
mitted.

870. The Supervisors of City Charities, or the officers of places respectively to which persons convicted under the two preceding sections may be sent, shall keep them during the time for which they are to be kept, so that they cannot escape from said places.

P. L. L., (1860) Art. 4, Sec. 912. P. L. L., (1888) Art. 4, Sec. 884.

Employment
of those
committed.

871. The said Supervisors of City Charities or other officers respectively shall put such of said persons so convicted as are able to work, to the work which they are best able to do.

P. L. L., (1860) Art. 4, Sec. 913. P. L. L., (1888) Art. 4, Sec. 885.
1890, ch. 196.

Time of de-
tention.

872. The time for which any person shall be sent to the almshouse, the Maryland House of Correction or other place, as provided by Section 868 of this Article, shall not be less than one week nor more than two months for the first conviction, and not less than one month nor more than six months for the second conviction, and not less than six months nor more than twelve months for the third or any subsequent conviction.

P. L. L., (1860) Art. 4, Sec. 914. P. L. L., (1888) Art. 4, Sec. 886.

Rules and reg-
ulations of
corrective
institutions.

873. The Supervisors of City Charities or the managers of the House of Refuge or officers of the other places to which persons may be sent as aforesaid, shall respectively have the right to make all proper rules and regulations for the purpose of carrying out the aforesaid provisions.

P. L. L., (1860) Art. 4, Sec. 915. P. L. L., (1888) Art. 4, Sec. 887.

Notice to par-
ents of va-
grant mi-
nors.

874. Whenever any minor shall be brought before the Judge or Justice as aforesaid, the parents or guardians of such minor, if they be resident within the City of Baltimore, and their names and place of residence be made

known to such Judge or Justice, shall be summoned to show cause, if any they have, why such minor should not be sent to the almshouse or other suitable place, or be otherwise punished according to law.

P. L. L., (1860) Art. 4, Sec. 916. P. L. L., (1888) Art. 4, Sec. 888.

875. The said Judge or Justice shall, if a suitable master or mistress can be found, and he judges it best for the minor, bind such minor an apprentice to some useful art, trade or occupation, in the same manner and on the same conditions as apprentices may now be bound by the laws of this State.

Minors may be apprenticed.

P. L. L., (1860) Art. 4, Sec. 917. P. L. L., (1888) Art. 4, Sec. 889.

876. Every unmarried male under twenty-one years of age, and unmarried female under eighteen years of age, shall be considered minors within the meaning of the preceding section.

Who are minors.

P. L. L., (1860) Art. 4, Sec. 918. P. L. L., (1888) Art. 4, Sec. 890.

877. The Orphans' Court of Baltimore City shall have concurrent jurisdiction over all cases of minors under the preceding sections of this sub-division of this Article, and exercise all the powers in relation to them which are hereinbefore granted to the Criminal Court and to Justices of the Peace of said City.

Jurisdiction of Orphans' Court over minors.

P. L. L., (1860) Art. 4, Sec. 919. P. L. L., (1888) Art. 4, Sec. 891.

878. The Criminal Court of Baltimore shall try all cases which may be brought before it in relation to vagrants and beggars, in the same manner and at the same time as cases for assault and battery are now tried by said Court; provided, that the trial shall be by jury, if demanded by the party charged.

Trials of vagrants and beggars.

P. L. L., (1860) Art. 4, Sec. 920. P. L. L., (1888) Art. 4, Sec. 892.

Jury Trial.

879. If any case which may be brought before a Justice of the Peace, or before the Orphans' Court, the party charged shall demand a jury trial, the said Justice or said Court shall certify said case to the Criminal Court of Baltimore, to be proceeded with and tried by said Court in the same manner as if the case had been originally brought before said Court.

P. L. L., (1860) Art. 4, Sec. 921. P. L. L., (1888) Art. 4, Sec. 893.

Fees for issuing and serving warrants and commitments.

Costs against informer on acquittal.

880. The Justice of the Peace and the Clerk of the Criminal Court and Register of Wills of the Orphans' Court aforesaid, respectively, shall receive the sum of twenty-five cents for issuing every warrant, and fifty cents for making out every commitment or indenture of apprenticeship of such vagrants or beggars; and the constable, sheriff or police officer, for serving said warrant and bringing the person charged before either of said Courts, or before said Justice, shall receive the sum of fifty cents, and for carrying any person committed to the place of commitment, the sum of fifty cents, which several sums shall be paid as other costs in criminal cases are now paid; but either of said Courts or said Justice may at discretion, adjudge that the said costs shall be paid by the informer, in cases where the person charged is acquitted.

VAGRANT, DEPENDENT AND VICIOUS CHILDREN.

1878, ch. 473. P. L. L., (1888) Art. 4, Sec. 894. 1902, ch. 611, Sec. 2.

Minors in saloons, dance-halls, etc.

881. No minor, if a girl, under the age of sixteen years, and if a boy, under the age of fourteen years, shall be admitted or permitted to remain in any saloon, place of entertainment or amusement known as dance-houses, concert saloon, theatre or varieties, where immoral, indecent, obscene or vulgar language, display or performance is permitted, allowed or carried on, or where any spirituous liquors, wines, intoxicating or malt liquors are sold, exchanged or given away, unless accompanied by

parents or guardian. Any proprietor, keeper or manager of any such place who shall admit such minor to or permit him or her to remain in such place, unless accompanied by parent or guardian, shall be guilty of a misdemeanor, and shall, upon conviction by any court or competent jurisdiction, be fined ten dollars and costs for each and every offence. Penalty.

1878, ch. 473. P. L. L., (1888) Art. 4, Sec. 895.

882. Every person having the custody of any girl under the age of sixteen years and of any boy under the age of fourteen years shall restrain such child from habitually begging, whether actually begging or under the pretense of peddling. Any person offending under this section shall be considered and deemed as incapable of taking care of and providing for such child, and such child, by reason thereof, be deemed as coming within the conditions of the next succeeding section.

Who are vagrant children.

1878, ch. 473. P. L. L., (1888) Art. 4, Sec. 896.

883. Any girl apparently under the age of sixteen years, and any boy apparently under the age of fourteen years, that comes within any of the following descriptions named ; that is known to be habitually begging or receiving alms, whether actually begging or under the pretence of peddling or offering for sale anything, or being in any street, road or public place for the purpose of so begging, gathering or receiving alms ; that is found wandering and not having any home or settled place of abode or proper guardianship or visible means of subsistence ; that is found destitute, either being an orphan or having a vicious parent who is undergoing penal servitude or imprisonment ; that frequents the company of reputed thieves or prostitutes, or houses of assignation or prostitution, or dance-houses, concert saloons, varieties, or places specified in Section 881 hereof, without a parent or guardian, shall be arrested and brought before a Court or Justice of the Peace. When, upon examination before a Court or Justice of the Peace it

Defining vagrancy.

Arrest of such vagrant children.

shall appear that any such child has been engaged in any of aforesaid acts, or comes within any of the aforesaid descriptions, such Court or Justice, when he shall deem expedient for the welfare of the child, shall commit such child to an orphan asylum, charitable or other institute, or make such other disposition thereof as now is or may hereafter be provided by law in case of vagrants, truant, disorderly, pauper or destitute children; provided, however, that none of the provisions of this sub-division of this Article shall be construed so as to prevent children from selling or offering for sale newspapers.

Proviso.

1878, ch. 473. P. L. L., (1888) Art. 4, Sec. 897.

884. Any person representing himself or herself to be, or passing himself or herself off as the parent or guardian of a child or children referred to in any of the aforesaid sections of this sub-division of this Article, when it shall appear that such person is not either the parent or guardian of said child, shall be deemed guilty of a misdemeanor, and upon conviction by any court of competent jurisdiction shall be fined not more than twenty dollars and costs for each and every offence.

Penalty for
pretending
parents.

Boys' Home.

1874, ch. 68. P. L. L., (1888) Art. 4, Sec. 898.

885. The special objects and purposes of the Boys' Home Society shall be to shelter and protect destitute and homeless boys, to furnish them with food, raiment and lodging, to stimulate them to honest efforts to earn a livelihood, to instruct them after working hours in moral and religious truths and in the rudiments of education, to aid and encourage them out of vagrancy and ignorance, to raise them up into a better life of virtue, industry and usefulness, and generally to stand in the relation of parent to such homeless boys.

Objects.

St. Martha's Episcopal House.

1898, ch. 151.

§885a. The Mayor and City Council of Baltimore is authorized and empowered to appropriate annually the sum of five hundred dollars to pay for the conduct and management of Saint Martha's Episcopal House, in the City of Baltimore.

Appropriation for.

1874, ch. 68. P. L. L., (1888) Art. 4, Sec. 899. 1900, ch. 742.

886. The Boys' Home, the Dolan Children's Aid Society, the Hebrew Orphan Asylum, the Home of the Friendless, St. Vincent's Orphan Asylum and the Henry Watson Children's Aid Society have the powers and authority conferred by the General laws upon juvenile institutions and societies.

Certain institutions named, to have powers conferred by General Laws on juvenile institutions.

1902, ch. 611. 1904, ch. 514. 1906, ch. 263.

886A. The Supreme Bench of Baltimore City is authorized to appoint from time to time, in such number as it may deem proper, persons of either sex, to serve during its pleasure as probation officers, five of whom shall be designated by the Court as paid officers, and shall each receive from the Mayor and City Council of Baltimore a salary of twelve hundred dollars per annum, payable monthly. Probation officers are deemed officers of the various Courts presided over by the Judges of the Supreme Bench of Baltimore City exercising functions under the authority and direction of such Courts, and in the execution of their office, are vested with the privileges and authority of the conservators of the peace.

Probation officers.

1902, ch. 611. 1904, ch. 514.

886B. In any proceeding before any of said Courts or before the Magistrate for juvenile causes, involving the detention, custody or commitment of any minor, one or more of the probation officers designated by the Court or Magistrate shall make such investigation as may be required

Duties of probation officers.

To visit juvenile institutions.

by the Court or Magistrate and execute such orders or directions of the Court or Magistrate as may be given them ; at any stage of the proceedings in the case of a minor who is charged with crime or whose care and custody is involved, the Court or Magistrate may suspend further action and place such minor in the care and custody of a probation officer for such time and upon such terms and conditions as may be deemed proper ; and such officer may bring the minor before the court or Magistrate at any time during the period of commitment to his care. The Supreme Bench shall from time to time designate and direct such probation officer or officers as they may select to visit the various juvenile institutions to which minors are committed by any of said Courts to make a thorough investigation into all matters affecting the welfare of such minor, and make a report thereof to said Court.

887-899. Sections 887 to 899, inclusive, repealed by Act 1900, ch. 742.

WAITRESSES IN PLACES OF PUBLIC AMUSEMENT.

1864, ch. 399. P. L. L., (1888) Art. 4, Sec. 913.

Their employment or presence in, prohibited.

900. It shall not be lawful for any proprietor, lessee or manager of any theatre, museum or other place of amusement, to employ women or girls as waiters, or to permit them to act in such theatre or place of amusement, or among the audience or frequenters of such theatre or place of amusement as waiters, or for the purpose or under the pretense of selling, serving, receiving orders or pay for spirituous or malt liquors, wines, lager beer, or any other refreshments or merchandise.

1864, ch. 399. P. L. L., (1888) Art. 4, Sec. 914.

Penalty, forfeiture of license and fine or imprisonment.

901. Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor, and on conviction thereof in the Criminal Court of Baltimore, shall be sentenced to pay a fine of not less than one

hundred nor more than one thousand dollars, or to imprisonment in jail not less than one month nor more than six months, or to both fine and imprisonment, at the discretion of the Court, and to forfeiture of license, one-half the fine to be paid to the informer and the other half to the State.

WATER.

Lake Roland, Reservoirs and Dams.

1870, ch. 25. P. L. L., (1888) Art. 4, Sec. 931.

902. If any person shall wilfully pollute the water in any lake, dam or reservoir, line of conduit, water-pipe, gate house, or other work constructed or used for supplying the City of Baltimore with water, by swimming, bathing or washing therein or by washing, or causing to be washed therein, or so near thereto as to pollute the water therein, any clothes, the skin of any dead animal, or any impure, fetid or noxious animal or vegetable matter, or shall throw, or cause to be thrown therein, or so near thereto as to pollute the water therein, any impure, fetid or noxious animal or vegetable matter, the person so offending shall forfeit and pay a sum not less than five nor more than fifty dollars for each offense.

Penalty for
pollution.

Mayor v. Warren Mfg. Co., 59 Md. 96.

1870, ch. 25. P. L. L. (1888) Art. 4, Sec. 932.

903. If any person shall erect, or cause to be erected, any privy, hog-pen, bleaching or dyeing establishment, or other thing, over any lake, dam, reservoir, line of conduit, water-pipe, gate house, or other work constructed or used for supplying the City of Baltimore with water, or so near thereto as to pollute or discolor the water therein, the person so offending shall forfeit and pay a sum not exceeding fifty dollars, and the further sum of ten dollars for each and every day the same shall remain after notice to remove same shall have been given.

Penalty against
erection of
any agency
of pollution.

1861, ch. 240. P. L. L., (1888) Art. 4, Sec. 933.

Penalty for injury to water system.

904. If any person shall injure, or cause to be injured, defaced or destroyed, any dam, reservoir, line of conduit, water-pipe, gate-house, stop-cock, or other thing used for supplying the City of Baltimore with water, the person so offending shall forfeit and pay a sum not less than five nor more than fifty dollars for each offence.

1861, ch. 240. P. L. L., (1888) Art. 4, Sec. 934.

Recovery of penalties imposed.

905. All fines and forfeitures imposed by the preceding second shall be recoverable by warrant before any Justice of the Peace in and for the City of Baltimore, or in and for Baltimore County, according to the respective jurisdiction under which any of the offences herein set forth may be committed; one-half to the informer and the other half to the Mayor and City Council of Baltimore.

1861, ch. 240. P. L. L., (1888) Art. 4, Sec. 935.

Collection of fines not to affect right of action for damages.

906. The two preceding sections shall not be construed to exempt any person who may have been fined for a violation thereof, or who may be charged with a violation thereof, from an action of damages for any injury or destruction of any part of the works used in supplying the City of Baltimore with water, in any suit for damages on account of said injury, brought by the Mayor and City Council of Baltimore.

PROVISOES LIMITING THE OPERATION AND EFFECT OF THIS ARTICLE.

1898, ch. 123, Sec. 2.

Vested rights.

Proviso.

Section 2. This Act (1898, ch. 123) shall not affect or impair any right vested or acquired and existing at the time of the passage of said Act; *provided*, that this section shall not be construed to make irrevocable or irrevocable any right which before the passage of this Act was repealable or revocable; nor shall said Act impair, discharge or release any contract, obligation, duty, liability or penalty

whatever now existing. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Act, shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Act had not been passed. No tax levied or any proceeding taken for the collection of any such tax or the enforcement of the payment of the same, before the passage of this Act, or the taxes levied for the year eighteen hundred and ninety-eight, if levied after the passage of this Act, shall in any manner be affected by the passage of this Act, and the mode of procedure in any such matter shall be the same as if this Act had not been passed.

Effect of Charter on pending suits and actions.

Robinson v. Baltimore City, 93 Md. 208. Baltimore City v. Balto. Co. W. & E. Co., 95 Md. 242.

1898, ch. 123, Sec. 3.

Section 3. All laws now in force relating or applicable to the Mayor and City Council of Baltimore or the City of Baltimore, and not included in this Act, and not inconsistent with said Act, and all ordinances of the Mayor and City Council of Baltimore now in force and not inconsistent with this Act, shall be and they are hereby continued until changed or repealed, respectively, by the General Assembly of Maryland or the Mayor and City Council of Baltimore; provided, that all Acts or parts of Acts passed at the session of the General Assembly of Maryland in the year eighteen hundred and ninety-eight, relating to the Mayor and City Council of Baltimore, or the City of Baltimore, or in any manner amending or adding to Article 4 of the Code of Public Local Laws, as said Article existed before the passage of this Act, shall in no wise be affected by the passage of this Act, but all such laws shall have the same force and effect as if this Act had not been passed. The provisions of this Act shall not have the effect to enlarge or extend in any manner the rights or privileges of the Mayor and City Council or other authorities of the City

Effect of Act upon existing law.

Acts of 1898 unimpaired.

Extra territorial effect of Act defined.

of Baltimore outside of the limits and boundary of said City, beyond or in addition to those now limited to, and exercised by said City under the present laws.

U. Rys., etc. Co. *v.* Hays, 92 Md. 490. Baltimore City *v.* Stewart, 92 Md. 553. Robinson *v.* Balto. City, 93 Md. 208. Balto. City *v.* Balto. Co. W. & E. Co., 95 Md. 243. Bostock *v.* Sams, 95 Md. 400.

1898, ch. 123, Sec. 4.

Effect of Act
on tenure of
office.

Section 4. All officers provided for or named in said Act, whether by election or appointment, shall continue to hold, exercise and discharge the duties of their respective offices, until they shall be superseded under the provisions of said Act, and until their successors shall be duly qualified, and nothing contained in said Act shall be construed to interfere with the continuity of the terms or tenure of any of said officers; nor shall a reappointment or re-election of any of said officers be necessary in order to secure the said continuity of their said terms and tenures of office, unless otherwise provided in said Act.**

Robinson *v.* Balto. City, 93 Md. 208.

**NOTE.—The Act of 1898, ch. 123 was approved March 24, 1898.

ORDINANCES.

BALTIMORE CITY CODE.

ORDINANCES.

ARTICLE I.

MAYOR AND CITY COUNCIL.

The Mayor.

Bonds in Municipal Suits.

1. Authority to execute appeal bonds, etc.; Indemnification of sureties.

Deeds and Leases.

2. Mayor to execute deeds for city property; proviso as to section 13 of City Charter.
3. Mayor to execute renewal leases of city property; proviso as to form of lease.

4. Use of sign or bill-boards in "Burnt District" to render deeds of Burnt District Commission void.

City's Claims.

5. Mayor to employ attorneys to prosecute claims against United States.

Mayor's Secretary.

6. Appointment of secretary; his duties; salary.

Mayor's Clerk.

7. Appointment of clerk; duties; salary of clerk.

Mayor's Messenger.

8. Appointment of messenger; duties of messenger; salary.

Mayor's Stenographer.

9. Appointment of stenographer; duties; salary.
10. Terms of employment of clerk, messenger and stenographer.
11. Not to be absent without Mayor's permission.

Manslaughter, Murder and other Crimes.

12. Reward for persons charged with homicide, assault with intent to kill, arson and incendiaryism.

Revocation of Permits.

13. Certain permits to be revocable; notice of revocation, penalty for disregard of notice.

City Council.

Members.

14. Penalty for absence of members without leave.
15. Manner of collecting said penalty.
16. Duty of member absenting himself during session.
17. Neither branch to adjourn without consent of other.
18. Members not to hold other office of emolument under corporation.

Clerks of City Council.

19. Duty of chief clerks to deliver journals, petitions, messages and reports to City Register; Register may withhold salaries until duties performed.
20. Chief clerks to indorse said papers.
21. Clerks to furnish proceedings of each Branch to Public Printer.
22. Clerks to receive from Public Printer copy of journal on writing paper; same to be delivered to City Register; to be preserved in City Library; journal as evidence.
23. Specifications for engrossing ordinances and resolutions.

Ordinances and Resolutions.

24. City Register to have engrossed ordinances bound and indexed.
25. City Register to send copies of ordinances to heads of departments affected.
26. City Librarian to furnish copies of ordinances, etc., to State Library, Bar Library and Peabody Institute.
27. Publication of ordinances and resolutions in newspapers; to be published in German; City Register to examine Public Printer's proof sheets of ordinances.
28. Payment for publication of ordinances; rate of charge for publication.
29. Duties of Reading Clerk of First Branch; to also perform duties of Chief Clerk during his absence.

30. Certificates to be attached to ordinances before delivery of same to the Mayor by the clerk of the Branch in which same originated.

31. Clerk of Second Branch to be chief clerk of the two Branches when in convention.

Claims before Council.

32. No claim barred by limitations to be considered.

Diary of City Council.

33. Control of expenditures relating to operation of City Council.
34. Items to be paid only when duly authorized.
35. Bills of Council to be referred to Committee on Claims; Report of committee to be approved by resolution; such resolution to be authority of Comptroller to draw warrant on City Register.

City Officers.

36. When annual reports to be made.
37. City officials not to be interested in contracts with or claims against city; penalty.

Bonds.

38. Officers from whom bond not required; when Mayor may require bond from such.
39. Powers of Mayor in relation to bonds for which no provision is made.

Extra Compensation.

40. Not to be granted to officers or agents of city; salaries not to be increased or diminished during term of office; proviso as to increased duties.

41. Not to be granted to contractors or firms after contract made; proviso as to loss caused by act of Mayor and City Council.

Salaries of Employes.

42. When to be paid; exception as to salaries of persons in the Department of Education.

Advertisements.

43. To be published in at least one German paper.

City Contracts.

Specifications.

44. Sub-contractors must be named in original bid.
45. Contractor's bond to contain stipulation to indemnify city in cases of infringement of patents for materials, etc., or negligence by contractors.
46. Contractors to produce vouchers of settlement for labor and materials furnished to them.

47. Contractors to pay day laborers weekly; otherwise, city department supervising work shall pay same and charge contractor.

Records of the City.

48. Public papers to be recorded, filed and preserved; City Register to permit removal of records only on demand of court of justice or of City Council; to furnish copies of records; fee for copy.
49. Comptroller to keep indexed records of property of city.

Seal.

50. Representation of Battle Monument to be seal of city.
51. Certificate of City Register under seal to be furnished free in cases of claims of soldiers and seamen of United States.

Standard Time.

52. Basis of time shown by public clocks.

THE MAYOR.

Bonds in Municipal Suits.

City Code, (1879) Art. 1, Sec. 3. City Code, (1893) Art. 1, Sec. 3.

1. In case of litigation in which the interests of the Mayor and City Council of Baltimore are concerned, the Mayor is authorized to execute in association with any other suitable person or persons, corporation or corporations, he may procure, appeal bonds, injunction bonds, securityships for costs or other legal obligations, which may be necessary for the due prosecution of the interests of the municipal corporation in such cases before the

Authority to
execute ap-
peal bonds,
&c.

Indemnification of sureties.

courts ; and the faith of the corporation is pledged for the due indemnification of the party or parties who may make such engagements or obligations on its behalf.

Mayor v. B. & O. R. R., Co. 21 Md. 52.

Deeds and Leases.

Ord. 7, February 20, 1879. City Code, (1893) Art. 1, Sec. 4.

Mayor to execute deeds.

2. The Mayor is authorized to execute deeds of conveyance or assignments of all real or leasehold property, belonging to or which may have belonged to the City of Baltimore, the sale of which has been authorized, or that may hereafter be authorized, by any ordinance or resolution of the Mayor and City Council of Baltimore ; provided, that where the provisions of section 13 of the City Charter are applicable, the deeds and conveyances in such cases shall conform therewith.

Proviso.

Ord. 76A, May 18, 1886. City Code, (1893) Art. 1, Sec. 5.

Mayor to execute or cause to be executed, renewal leases.

3. The Mayor, for and in the name of the Mayor and City Council of Baltimore, is authorized and directed to execute renewal leases in lieu of those leases wherein the original term of ninety-nine years or less has expired, and in which the fee simple or leasehold interest is vested in the Mayor and City Council of Baltimore ; provided said renewal leases and sub-leases are in proper legal form and are approved as provided by section 13 of the City Charter, when the provisions of said section are applicable.

Proviso.

Ord. 184, December 27, 1904.

Use of signs or bill-boards in "Burnt District" to render deeds of Burnt District Commission void.

4. In all cases where the Burnt District Commission shall sell the residue of any lot, of which a part shall be taken to effect the objects confided to the Commission by chapter 87 of the Acts of 1904 of the General Assembly of Maryland, commonly known as the "Burnt District Commission Act," the advertisement of the sale thereof shall contain an announcement to the effect that the property is

sold, and the deed thereof a clause to the effect that the property is deeded subject to a strict condition binding upon the purchaser, his heirs and assigns, that the deed shall be null and void in case the said property, or any part or parts thereof, shall ever be used for a sign-board, bill-board or other similar purpose.

City's Claims.

Res. 20, February 28, 1879. City Code, (1893) Art 1, Sec. 6.

5. The Mayor is authorized, upon the presentation to him of satisfactory evidence of the existence of any just and valid claim on the part of the corporation, against the government of the United States, and which said claim it is in his judgment judicious to prosecute, to employ for that purpose the services of one or more agents, or attorney or attorneys, and to agree with such agent or agents for his or their compensation; provided the same shall in every case be entirely contingent upon the recovery of the money.

Mayor to employ attorneys to prosecute claims against United States

Mayor's Secretary.

Ord. 21, March 21, 1882. City Code, (1893) Art. 1, Sec. 7.

6. There shall be appointed by the Mayor, pursuant to the authority conferred by section 20, of the City Charter, an officer who shall be styled the Mayor's Secretary, who shall perform such duties, consistent with the character of the office, as the Mayor shall direct; he shall attend at the Mayor's office from 9 o'clock, A. M. to 3 o'clock, P. M.; and at such other times as the Mayor may require his services; he shall receive as a salary for his services the sum of twenty-three hundred dollars per annum.

Mayor's Secretary.

Duties.

Salary.

Mayor's Clerk.

City Code, (1879) Art. 1, Sec. 5. City Code, (1893) Art. 1, Sec. 8.

Ord. 45, December 21, 1905, Sec. 2.

7. There shall be appointed by the Mayor on the Tuesday next after the third Monday of May succeeding his elec-

Duties.	tion, or as soon thereafter as practicable, a clerk, whose duty it shall be to attend at the office of the Mayor during office hours, and to perform such duties as he may prescribe; and the said clerk shall also act as secretary to the Mayor during the absence of the secretary, keep a record of all ordinances and resolutions presented to the Mayor and signed by him and also of all permits for various purposes which may be issued from the Mayor's office. He
Salary.	shall receive as a salary for his services the sum of fifteen hundred dollars per annum.

Mayor's Messenger.

City Code, (1879) Art. 10, Sec. 2. City Code, (1893) Art. 10, Sec. 2.
Ord. 45, December 21, 1905, Sec. 3.

Appointment.	8. There shall be appointed by the Mayor on the Tuesday next after the third Monday of May succeeding his election, or as soon thereafter as practicable, a messenger,
Duties.	whose duty it shall be to attend at the office of the Mayor during office hours, deliver messages and perform such other services as the Mayor may prescribe. He shall
Salary.	receive as a salary for his services the sum of twelve hundred dollars per annum.

Mayor's Stenographer.

Ord. 45, December 21, 1905, Sec. 3, (8-B).

Appointment.	9. There shall be appointed by the Mayor on the Tuesday next after the third Monday of May succeeding his election, or as soon thereafter as practicable, a stenographer,
Duties.	whose duty it shall be to attend at the office of the Mayor during office hours and perform such duties as he shall prescribe. He shall receive as a salary for his
Salary.	services the sum of one thousand dollars.

Ord. 45, December 21, 1905, Sec. 3, (8-C).

Terms of employment of clerk, etc.

10. The terms of employment of the clerk, messenger and stenographer mentioned in the three next preceding

sections of this article shall be co-incident with the term of office of the Mayor by whom they are appointed, and they shall be removable at his pleasure.

City Code, (1879) Art. 1, Sec. 6. City Code, (1893) Art. 1, Sec. 9.

11. No one of the foregoing officers shall absent himself from duty without the permission of the Mayor.

Not to be absent without Mayor's permission.

Manslaughter, Murder and Other Crimes.

City Code, (1879) Art. 38, Sec. 1. City Code, (1893) Art. 38, Sec. 1.

12. The Mayor is hereby authorized and directed to issue his proclamation, offering a reward of such an amount as he may deem proper, for the discovery, arrest and conviction, in any of the courts, of any person who may be suspected or charged with the crime of murder, manslaughter, assault with intent to kill, or arson, committed within the city, with setting fire to any building, lumber yard or ship yard in the city, or with having destroyed, injured or defaced any engine, hose, hose carriage or other apparatus or property belonging to the fire department of the City, whenever he shall have knowledge of the commission of any of said crimes or receive information thereof from any respectable person or persons.

Reward for persons charged with homicide, assault with intent to kill, arson and incendiarism.

Revocation of Permits.

City Code, (1879) Art. 7, Sec. 30. City Code, (1893) Art. 7, Sec. 100.

13. All permits granted for the erection of telegraph and other poles, sign-posts, signs, awning flaps, figures and other structures, may be revoked, and the same shall be removed after sixty days, notice by the Mayor; any person or persons or corporation refusing or neglecting to conform to the requirements of this section, upon receiving

Certain permits to be revocable.

NOTE.—For decisions relative to revocation of permits and in relation to permits generally, *see*, Mayor, &c. *v.* Radecke, 49 Md. 217. Hooper *v.* City Pass'r Ry. Co., 85 Md. 509. C. & P. Tel. Co. *v.* Baltimore, 89 Md. 689.

the notice provided for herein, shall pay a fine not exceeding one hundred dollars, and a further fine not exceeding fifty dollars for every day such refusal or neglect shall continue from the first.

CITY COUNCIL.

Members.

City Code (1879) Art. 1, Sec. 7. City Code (1893) Art. 1, Sec. 10.

Penalty for
absence.

14. If any member of the City Council shall neglect to appear at the hour of meeting in the branch of which he is a member, or shall, after appearance, absent himself before the hour of adjournment, without leave first obtained of the president of the branch of which he is a member, such person shall forfeit and pay a sum not exceeding two dollars for each offence, unless he is excused by the branch of which he is a member.

City Code, (1879) Art. 1, Sec. 8. City Code, (1893) Art. 1, Sec. 11.

Fines how col-
lected.

15. The fines and forfeitures incurred under the next preceding section of this Article shall be deducted out of any allowance due to the member incurring the same; and if such member shall not have due to him a sum sufficient to discharge and pay the fines and forfeitures incurred as aforesaid, the balance or sum remaining due shall and may be collected in the same manner as other fines and forfeitures are and may be collected.

City Code, (1879) Art. 1, Sec. 9. City Code, (1893) Art. 1, Sec. 12.

Absence dur-
ing session.

16. If any member shall not attend during the session of the City Council, he shall transmit to the president of the branch of which he is a member a satisfactory excuse, in writing, during the session, or he may be fined in the discretion of his branch, not exceeding two dollars a day for each day he shall so absent himself.

City Code, (1879) Art. 1, Sec. 10. City Code, (1893) Art. 1, Sec. 13.

17. Neither branch shall adjourn, without the consent Adjournment. of the other, for a longer time than one day during the session.

City Code, (1879) Art. 1, Sec. 12. City Code, (1893) Art. 1, Sec. 15.

18. It shall not be lawful for any member of the City Council to be appointed or to accept appointment to any office or employment under the corporation during the term for which he was elected as a member of the City Council. Members not to hold other office of emolument under corporation.

Clerks of City Council.

City Code, (1879) Art. 1, Sec. 13. City Code, (1893) Art. 1, Sec. 16.

19. It shall be the duty of each of the chief clerks of the City Council, within thirty days after each and every session, to deliver, in person, to the City Register, the journal of his respective branch of the City Council; also all petitions, memorials, messages, reports and communications of every description, which may have been received during the session, and which may be in his possession at the close thereof; and the City Register is hereby directed to withhold from said clerk or clerks, one half of the amount or amounts which may be due him or them, until he or they shall have performed all the duties hereinbefore prescribed. Duty of chief clerks. Journals, petitions, messages and reports to be delivered to Register. When clerks to be paid by Register.

City Code, (1879) Art. 1, Sec. 14. City Code, (1893) Art. 1, Sec. 17.

20. The said clerks shall, before they deliver the papers aforesaid, endorse each and every one in a proper manner, and file them in separate bundles. Chief clerk to endorse papers.

City Code, (1879) Art. 1, Sec. 15. City Code, (1893) Art. 1, Sec. 18.

21. It shall be their duty when directed so to do by the joint standing committee on printing to furnish to the public printer the proceedings of each branch, together with all petitions, memorials, communications, messages, reports of committees, and such other documents as shall be directed to be printed. To furnish proceedings to Public Printer.

City Code, (1879) Art. 1, Sec. 17. City Code, (1893) Art. 1, Sec. 20.

Clerks to receive from Public Printer, copy of Journal on writing Paper.

To be delivered to City Register.

Preserved in City Library.

Evidence.

22. It shall be the duty of each of the chief clerks of the City Council to receive from the Public Printer a copy of the journal of each day's proceedings of the branch of which he is clerk, printed as required by section 6 of Article 29 of this Code, which copy when revised, shall be signed by the respective clerk and president of said branch, and shall be, by said clerks respectively delivered to the City Register, by whom the same shall be bound in a substantial manner and preserved in the city library; which said certified journals shall be evidence of the proceedings of the respective branches of the City Council.

City Code, (1879) Art. 1, Sec. 18. City Code, (1893) Art. 1, Sec. 21.

Engrossing.

23. The clerk of each branch of the City Council, in engrossing the ordinances and resolutions passed by the City Council, shall cause the same to be done on paper of good quality and uniform size, each sheet with an inner margin of at least two inches in width, the better to permit the same to be bound as provided for in the next succeeding section.

Ordinances and Resolutions..

City Code, (1879) Art. 1, Sec. 19. City Code, (1893) Art. 1, Sec. 22.

City Register to have bound engrossed ordinances.

24. The City Register shall cause the original engrossed copies of the ordinances and resolutions, passed by the City Council to be suitably bound in a volume, labelled with the year or years of the several sessions during which the same were passed, and properly paged and supplied with an index of the full title of each of said ordinances and resolutions.

City Code, (1879) Art. 1, Sec. 20. City Code, (1893) Art. 1, Sec. 23.

City Register to send copies of ordinances to heads of departments.

25. It shall be the duty of the City Register, immediately after the approval of any ordinance or resolution of the City Council, affecting any of the departments of the City government, either by ordering them to do certain

work or otherwise, to send a copy of such ordinance or resolution to the head of department so alluded to.

City Code, (1879) Art. 1, Sec. 21. City Code, (1893) Art. 1, Sec. 24.

26. The City Librarian shall annually furnish to the State Library two copies, and to the Library Company of the Baltimore Bar, two copies of the ordinances and journals for each year, and to the Peabody Institute of the City of Baltimore, one copy of the ordinances, journals, reports and other publications of the City for each year.

City Librarian to furnish ordinances, &c., to State Library, &c.

Ordinances, &c., to be sent to Peabody Institute.

City Code, (1879) Art. 1, Sec. 22. City Code, (1893) Art. 1, Sec. 25.

27. It shall be the duty of the City Register to cause all the ordinances and resolutions of the City, of a public or general nature, to be published in such and so many newspapers, (one of which shall be the German newspaper of the city having the largest circulation) as he may deem best calculated to give general information to the citizens; provided that no higher rate or charge be allowed for publication in the German newspaper than shall be charged for printing the same ordinances and resolutions in the newspapers printed in the English language, and it shall be his duty carefully to examine the proof sheets of the ordinances and resolutions, as they are printed by the Public Printer in book form, which books shall be deposited in the City library.

Publication of ordinances, &c., in newspapers.

Register to examine proof sheets.

City Code, (1879) Art. 1, Sec. 23. City Code, (1893) Art. 1, Sec. 26.

28. The City Register is hereby directed, on the certificate of the Comptroller, with the approbation of the Mayor, to pay to the publishers of such papers as may be designated for that purpose all bills for public or corporation printing which may be required by ordinance, or which shall be ordered by any of the corporate authorities of the City; provided that all the bills aforesaid shall be certified by the several parties presenting them, to be charged at the usual customary prices charged for such

Newspaper publishers to be paid.

25 per cent. to
be deducted

work, from which the City Register shall deduct twenty-five per centum upon the payment thereof.

City Code, (1879) Art. 1, Sec. 24. City Code, (1893) Art. 1, Sec. 27.

Duty of read-
ing clerk of
First Branch.

29. It shall be the duty of the reading clerk of the First Branch of the City Council, under the direction of the chief clerk, with the approval of the president of the First Branch, to engross all ordinances and resolutions passed by the City Council which originate in the First Branch; to have all petitions, memorials, messages, reports and communications, properly endorsed, ready for the signature of the chief clerk; to write all messages from the First to the Second Branch, and to prepare all communications rendered necessary by order or resolution of the Branch, ready for the signature of the chief clerk; to convey all messages from the First to the Second Branch, and to perform all such other duties as may be required of him by the Council in connection with their business, except the preparation of the manuscript journal for the Public Printer, and the recording of the approved proceedings in the regular journal of the session; provided, however, that in case of the absence from sickness or other cause of the chief clerk, he shall perform said duties also.

Proviso.

Ord. 11, October 6, 1905.

Certificates to
be attached
to ordinances
before deliv-
ery of same
to the Mayor
by the clerk
of the Branch
in which
same origi-
nate.

30. Every ordinance or resolution of the Mayor and City Council of Baltimore when delivered by the clerk of the Branch of the City Council in which the same originated, to the Mayor for his approval duly authenticated as required by the provisions of section 23 of the City Charter, shall be accompanied by a certificate showing the date of introduction and the date of each and every reading in both Branches, and if referred to the Board of Public Improvements or Board of Estimates, the date of such reference and the date of its return to the Council by either or both of said boards, and in case the ordinance be one requiring publication as prescribed by the provisions of section 90 of Article 35 of this code, or as required by

the provisions of section 821 or section 828 of the City Charter, the said certificate of the clerk shall be accompanied by a certificate from the publisher of each of the newspapers in which publication was made, stating the number of times and the dates whereon the notice prescribed as aforesaid was published in his paper, which certificate shall have pasted thereon a printed copy of the notice so published.

City Code, (1879) Art. 1, Sec. 26. City Code, (1893) Art. 1, Sec. 29.

31. The Clerk of the Second Branch is constituted the chief clerk of the two Branches when in convention, and as such, shall immediately after the adjournment of a convention, notify the Mayor of the action of said convention.

Clerk to the
two Branches
in convention

Claims Before Council.

City Code, (1879) Art. 1, Sec. 29. City Code, (1893) Art. 1, Sec. 32.

32. No claim shall be considered by the Council after the period of limitation has elapsed by which under the laws of the State of Maryland such claim would be barred.

Limitation on
claims.

Diary of City Council.

Ord. 56, April 27, 1881. City Code, (1893) Art. 1, Sec. 33.

33. Except so far as regulated by the City Charter, the City Council shall have the control of all matters of expenditure which relate to the business operation or diary of the City Council, embracing the salaries of its officers, printing for the body, necessary expenses of its standing and special committees, stationery, appointments of the Council chambers and committee rooms, funeral expenses and such other expenses as may be proper for and necessary to the discharge of its functions.

Control of
Council ex-
penditures.

Ord. 56, April 27, 1881. City Code, (1893) Art. 1, Sec. 34.

34. None of the items of expense embraced in the next preceding section of this article shall be paid unless authorized by resolution or resolutions of both Branches of the City Council.

To be paid out when duly authorized.

Ord. 56, April 27, 1881. City Code, (1893) Art. 1, Sec. 35.

35. All bills of expenses shall be presented to one or the other of the branches of the City Council, whether incurred by special or standing committees of the Council or officers of the body in virtue of section 28 of this Article, and when so presented shall be referred to the Joint Standing Committee on Claims, which committee shall report thereon to the City Council, and if the claim shall be approved by the latter, certified copies of the resolution of approval shall be sent to the Comptroller, which certificate will be the authority to that officer for the issuing of his warrant on the City Register for the payment of the amount of the claim so certified.

Bills to be referred to committee on claims.

CITY OFFICERS.

City Code, (1879) Art. 1, Sec. 33. City Code, (1893) Art. 1, Sec. 37.

36. All departments, sub-departments and municipal officers not included in any department, now making annual reports to the Mayor and City Council of Baltimore, shall make such reports as soon after the thirty-first day of December in each year as practicable.

When officers to make reports and returns.

Ord. 94, May 20, 1890. City Code, (1893) Art. 1, Sec. 48.

37. It shall not be lawful for any person sustaining any official relation or relation of employment to the Mayor and City Council of Baltimore, to be concerned directly or indirectly in the purchase of any debt due from the corporation or of any claim upon the same, or to be interested in any manner, on his own personal account, in work done for or supplies furnished to, the city, or to receive on his own personal account or any account except that of the city,

Officials not to be interested in city contracts.

any percentage or sum on any purchases or contracts made by or entered into by, the city, and any such person offending herein or violating in any manner, the provisions of Section 5 of Article XI of the Constitution of Maryland, (which declares that it shall not be lawful for any person holding any office under the city to be interested while holding such office in any contract to which the city is a party) shall for each and every offense be fined in a sum ^{Penalty.} not exceeding five hundred dollars.

Bonds.

City Code, (1879) Art. 1, Secs. 45, 46. City Code, (1893) Art. 1, Secs. 50, 51.

38. The several municipal officials, officers, employes and agents who are not entitled to compensation for their services, or whose compensation shall not exceed two hundred dollars (\$200) per annum; unless otherwise provided by laws or ordinances, shall not be required to give bond for the faithful performance of their duties, unless the Mayor shall think it expedient to require the same. ^{Which officers need not bond.}

City Code, (1879) Art. 1, Sec. 44. City Code, (1893) Art. 1, Sec. 49.

39. All municipal officials, officers, employes and agents, who are required by law or ordinance to give bond for the faithful performance of their respective duties, shall give bond with such security, as the Mayor may approve, and in such penal sums as the Mayor may direct, except where a different provision is made for the case by law or ordinance. ^{Powers, of Mayor in relation to bonds for which no provision is made.}

NOTE.—As to suits on bonds given to Mayor and City Council of Baltimore, *see*, *McMechin v. Mayor*, 2 H. & J. 41 and notes. In this connection, *see also*, *Murdoch v. Strange*, 99 Md. 89. *See* note to Sec. 10, Art 6, City Code, (1879).

Extra Compensation.

City Code, (1879) Art. 1, Sec. 47. City Code, (1893) Art. 1, Sec. 52.

Not to be
granted to
officers or
agents.

40. No extra compensation shall be granted or allowed by the Mayor and City Council of Baltimore to any official, officer, employe, agent or servant of the corporation, or of any other corporation, the expenses of which are borne in whole or in part by the City, after the services have been rendered, nor shall the salary or compensation of any of said officials, employes, agents or servants be increased or diminished during the term for which they may be or may have been elected, appointed or employed; provided, that should an increase of duties be required by any subsequent ordinance or resolution of the Mayor and City Council of Baltimore, an extra compensation in the proportion of such increase of duties to the services originally contemplated, shall be allowed in the discretion of the Mayor and City Council of Baltimore.

City Code, (1879) Art. 1, Sec. 48. City Code, (1893) Art. 1, Sec. 53.

Nor to City
contractors.

41. No extra compensation shall be granted or allowed by the Mayor and City Council of Baltimore to any contractor or contractors with the City, or with any corporation the expenses of which are in whole or in part borne by the City, after the contract has been entered into; *provided*, that in case a contractor or contractors shall be prevented by an act of the Mayor and City Council of Baltimore, or any agent or servant thereof acting under its authority, from fulfilling his contract as agreed on, and loss is thereby sustained by him or them, such extra compensation may be allowed as will compensate him or them for said loss incurred as aforesaid.

Salaries of Employes.

City Code, (1879) Art. 1, Sec. 49. City Code, (1893) Art. 1, Sec. 54.
Ord. 4, October 12, 1903.

When to be
paid.

42. The salaries or wages of all persons in the service of the City, save such as are, pursuant to law, or the course of administrative practice now paid at bi-weekly or less

than bi-weekly intervals, shall, unless otherwise provided by statute, be paid monthly in equal semi-monthly installments; *provided*, however, that this shall not apply to teachers, or other persons in the Department of Education, whose compensation is now paid monthly in monthly installments.*

Advertisements.

City Code, (1879) Art. 1, Sec. 50. City Code, (1893) Art. 1, Sec. 55.

43. All advertisements emanating from the different departments of the city government shall be published in at least one German paper of the City, and in the selection of such paper they shall give preference to the paper having the largest circulation, provided the prices be the same as those charged by the other papers.

To be published in one German paper.

CITY CONTRACTS.

Specifications.

Ord. 31, April 11, 1898.

44. In all specifications for contracts hereinafter made or entered into by the Mayor and City Council of Baltimore, for the construction of any public works or improvements of any kind whatsoever, there shall be inserted a stipulation that such work so contracted for, shall not be sub-

*NOTE.—Funds in the hands of an official of the City of Baltimore due by the city for the salaries of city employes are not, on grounds of public policy and convenience, liable to be attached by the creditors of such employes. Municipal corporations are parts of the State Government, exercising delegated political powers for public purposes, and the rule exempting funds in the hands of one State officer due another, from attachment, applies equally to the officers of such corporations: *Mayor, &c. v. Root*, 8 Md. 100. *Anderson, garn. v. Graff*, 41 Md. 607.

The same rule applies to the case of a police officer who had salary due him in the hands of a captain of police, acting as a disbursing agent; an attachment laid in the captain's hands on a judgment against said police officer, would not bind such salary: *see, Yeager v. Zimmerman*, opinion of Brown, C. J., City Court, November 12, 1875.

Sub-contractors must be named in original bid.

contracted except to the persons named, if any, in the original bid for such work when opened.*

Ord. 52, May 23, 1879. City Code, (1893) Art. 1, Sec. 59.

Bond to contain stipulation to indemnify City in cases of infringement of patents for materials, etc., or negligence by contractors.

45. Hereafter, in all cases where any bond shall be taken from any contractor for the execution of any work for the Mayor and City Council of Baltimore, there shall be inserted in said bond, and as one of the conditions thereof, an express stipulation on the part of such contractor that he will defend, indemnify and save harmless the Mayor and City Council of Baltimore against any claim due to using any form of material, process, composition, method of manufacture, machinery or thing, which is patented, or claimed to be patented, against any suit or suits, loss, damage or expense, to which the said Mayor and City Council of Baltimore may be subjected by reason of any default or negligence, want of skill or care, on the part of such contractor, his agents or employes, or any sub-contractor, in or about the performance and execution of said work.

Ord. 25, April 4, 1898.

Contractors to produce vouchers of settlement for labor and materials furnished.

46. In all specifications for contracts hereafter made for the construction of city buildings, there shall be inserted a clause providing that the contractor or contractors with the City shall, at the time of tendering delivery of the completed building, also produce vouchers showing settlement in full by him or them with all persons or corporations who have furnished labor and materials used in the construction of said building.

Res. 242, October 22, 1880. Res. 15, February 16, 1885.

City Code, (1893) Art. 1. Sec. 61.

Contractors to day laborers weekly.

47. In all specifications for contracts between the City and contractors for the performance of any public work for the City of Baltimore, there shall be inserted a clause

*NOTE.—For cases arising out of city contracts, *see*, under sections 14 and 15, City Charter, *ante*.

compelling each contractor to pay all mechanics or laboring hands employed by the day, once each week ; and for the failure to comply by said contractors, the said day hands may file their bill, under oath, with the proper department, for the number of days so employed, not to exceed one week ; and it shall be the duty of said department to pay said day hands, and charge the same to the contractor or contractors, and deduct the same from any money that may be due the said contractor or contractors.

Otherwise, city department supervising work shall pay same and charge contractor.

RECORDS OF THE CITY.

City Code (1879) Art. 1, Sec. 55. City Code (1893) Art. 1, Sec. 62.

48. It shall be the duty of all city municipal officials, officers and agencies, carefully to file and keep all public papers whatever, belonging to the City, which are now in or may hereafter come into their respective offices, and which appertain to the same ; and it shall not be lawful for the City Register to permit any paper or record in his office to be taken therefrom, by any person or persons whomsoever, unless the same be demanded by a court of justice of this State, or of the United States, or by either branch of the City Council, but every person wanting the information contained in such papers or the record thereof when recorded, shall be entitled to a copy of the same ; and it shall be the duty of the City Register to furnish such copies when applied for, and the City Register shall charge and receive therefor the sum of fifteen cents for every sheet of copy containing one hundred words, and so, *pro rata* ; for every search, and for every certificate to a copy, twenty-five cents, which fees or charges shall be paid into the treasury of the City.

Public paper to be recorded, filed and preserved

City Code (1879) Art. 1. Sec. 57. City Code (1893) Art. 1, Sec. 64.

49. The Comptroller shall keep a well bound record book, and have therein recorded all deeds and leases made to the City, or sufficient extracts from such deeds and leases as will fully explain the same ; and also all contracts and agreements made in relation to the property of the

Comptroller to keep records of conveyances.

City; the records in said record book to be written on every other page, so that the page opposite the record may be left blank for any remarks that may be necessary to be made in regard to the disposition of said property. The said record book shall also have an alphabetical index made for more easy reference to said deeds, leases, contracts and agreements.

SEAL.

City Code, (1879) Art. 1, Sec. 58. City Code, (1893) Art. 1, Sec. 65.

Representation
of Battle
Monument.

50. The seal heretofore provided and used, the impression on which is a representation of the Battle Monument, is hereby established and declared to have been and now to be the seal of the Mayor and City Council of Baltimore.

City Code, (1879) Art. 1, Sec. 59. City Code, (1893) Art. 1, Sec. 66.

Certificate of
City Register
to be fur-
nished free
in case of
claims of
soldiers and
seamen of
United
States.

51. It shall be the duty of the City Register in cases where his certificate under seal shall be required to be used as evidence in the claims of soldiers and seamen in the United States service, or in the claims of the widows or heirs of such as may have died, or may hereafter die in said service, to furnish such certificates without any charge whatever.

STANDARD TIME.

Res. 7, December 24, 1883. City Code, (1893) Art. 1, Sec. 67.

How regulated.

52. At noon on November 18, 1883, and thereafter, all time in the City of Baltimore shall conform to the new standard, based upon the time of the seventy-fifth meridian, and all time shown by the public clocks shall agree therewith.

ARTICLE II.

AUCTIONS.

1. City Register's Annual Account to State Comptroller of disbursements of funds from Auctions.

2. Auction on streets prohibited, permit from Mayor.

City Code, (1879) Art. 6, Sec. 1. City Code, (1893) Art. 6, Sec. 1.

1. The City Register shall, on or before the fifteenth day of September in each and every year, furnish to the Comptroller of the State a fair and distinct account of the disbursements in relation to the deepening and improvement of the channel in Chesapeake Bay and Patapsco river and the harbor of the city of Baltimore.

City Register's Annual Account to State Comptroller of disbursements of funds from auctions.

City Code, (1879) Art. 6, Sec. 2. City Code, (1893) Art. 6, Sec. 2.

2. It shall not be lawful to expose or offer for sale at public auction or otherwise, any goods, wares or merchandise on any of the public streets, lanes or alleys in the city, unless permission be first obtained from the Mayor, under a penalty of twenty dollars for each and every offence; and the Mayor is hereby authorized to grant a permit to make sales of goods, wares and merchandise at public auction or otherwise on any of the streets, lanes or alleys in the city, when in his opinion and judgment such permission will not interfere with the free travel and use thereof, and will not be in any respect injurious to the city or inhabitants thereof. All fines imposed for the violation of any of the provisions of this section shall be recovered as other fines imposed by ordinance are recoverable, and when collected shall be paid to the Comptroller.

Auction on street prohibited.

Permit from Mayor.

ARTICLE III.

BUILDINGS.

ORDINANCES.

Inspector of Buildings.

Subordinates.

1. Their appointment and salaries.

Appeals.

2. Appeals from orders of Inspector of Buildings; deposit to cover costs of appeal; examining commission to determine point at issue; compensation of such commission.

Contracts.

3. Inspector of Buildings to supervise and approve work of contractors in city work.

Limits within which this Article operates.

4. Restricting erection of buildings in city limits; boundaries defined; where frame structures permitted; proviso as to frame structures.

Permits for Building.

5. Permit of Inspector of Buildings required; application for permit; work to be done must be in accordance with building regulations; Inspector to issue permit and stamp drawings; permits issued contingent on written consent of property owners to become record of office of Inspector of Buildings; proviso as to permits issued by Appeal Tax Court.

Plans and Specifications.

6. True copies of, to be furnished and remain on file until work completed; what plans to be permanent records.
7. Unlawful to alter plans after being stamped by Inspector of Buildings; his assent required to alteration in plans.

Gutters and Spouting.

8. Property owners required to provide gutters and spouting and keep same in repair; penalty for neglect.

Inspection of Market Houses.

9. Inspector of Buildings to make annual inspection, and report to City Council repairs required.

Repairs to City Buildings.

10. Inspector of Buildings to direct and control same.

Alterations and Repairs.

11. Alteration of structures outside building line; approval of Board of Estimates, and permit from Inspector of Buildings required.
12. No existing structures to be enlarged, raised, altered or built except as provided in this Article.

Balconies, Piazzas, Porches, Bay and Oriel Windows and Bath Rooms.

13. Permit for balcony, piazza, porch or platform of wood; fee for same; dimensions and specifications; proviso as to frame sheds.
14. Bathrooms required in dwellings; specifications for construction; permit; fee for permit.
15. Oriel windows; permit required for erection or alteration; specifications.
16. Penalty.
17. Permits for bow-windows; requirements for issue.
18. Penalty for failure to procure permit or exceeding permit.
19. Approval of Board of Estimates and certificate of Comptroller.

Cellars, Etc.

20. Definition of word cellar.
21. Ventilation and specifications.
22. Dwellings on low, damp or made ground.

Chimneys, Flues and Heating Apparatus.

23. Specifications for, in stone or brick walls.
24. Flues to be smooth on inside on completion.
25. Specifications for flues for heated air.
26. Woodwork against flues; requirements for same.
27. Chimneys and smoke flues; specifications.
28. Specifications for hearths and chimneys.

29. Smoke flues through partitions and into chimneys or flues.
30. Furnace smoke pipes; protection of joists above pipes.
31. School buildings to be fire-proof; heating apparatus in schools.
32. Fire protection over furnaces.
33. Specifications for hot-air registers.
34. Gas, water and other pipes in joists.
35. Requirements for wooden joists or girders.
36. Restrictions on erection of stoves in wooden buildings; penalty for neglect to obtain permit.

Inspections of Hot Air Furnaces and Heating Apparatus.

37. When Inspector of Buildings may enter building and inspect furnace; may require furnace to be repaired or condemn same.
38. Permit necessary before heating apparatus is installed; penalty for neglect to procure permit; permit to be returned to Inspector of Buildings.
39. Penalty for refusal to permit inspection.
40. Penalty for refusal to repair furnace or remove same when condemned.
41. Penalty for failure or refusal to return permit.
42. Penalty for use of other than iron ash boxes in buildings.

43. Use of annoying and dangerous chimneys prohibited; Inspector of Buildings may cause same to be altered or improved; penalty for failure to so alter or improve.

Electrical Installation and Wiring.

44. Use of electrical current must be in accordance with provisions of this sub-division.
45. Wiring permits must be obtained; requirements for application for same; work done in emergency without permit must be reported to Inspector of Buildings.
46. Inspector of Buildings to carefully inspect wiring, etc.; power to remove laths, etc., in making inspection.
47. To inspect wires and apparatus on highways and in any buildings in city; to cause defective apparatus to be remedied; may cause current to be cut off; may cut wires.
48. Certificate of inspection; installation to be described in certificate; certificate for new work; no current to be turned into new work until certificate had.
49. Dead or unused wires to be removed by owners; on failure of owner to remove, Inspector may do so at expense of owner.
50. Penalty for violations of provisions of this sub-division.
51. Penalty for interference with inspection.
52. Qualifications of electrical inspectors.

53. Inspection by city not to release owners of electrical apparatus from liability for defective equipment, etc.

54. Plants which Inspector of Buildings may exempt from operation of these provisions; certificate of exemption; may be revoked.

Elevators.

Permit and Certificate.

55. Permit required before commencing installation of elevator; same to be returned to Inspector of Buildings; to be subject to inspection during construction; when properly completed certificate to issue; same to be posted in or about elevator.

Register of Elevators.

56. Owners of elevators already constructed to report their location, etc.; register of elevators to be kept in office of Inspector of Buildings; after inspection of such elevators said Inspector to issue certificate; elevator must be in safe condition before certificate had.

Inspection.

57. All elevators to be under supervision of Inspector of Buildings; said Inspector to appoint elevator inspectors; inspectors to make reports; inspectors may order repairs; penalty for failure to repair dangerous elevators.

Classification.

58. To what styles of elevators this sub-division to apply.

Carrying Capacity, etc.

59. Regulations for first class; second class; combination class; automatic class.
60. Clearances required for different speeds; exceptions as to hand-power elevators; counterweights.

Enclosures and Cars.

61. First class or non-fireproof enclosures; second class or fireproof; specifications; trap-doors.
62. Requirements for enclosures of second class; doors of passenger elevators; door fastenings; doors of freight elevators; framed and enclosed cars for passenger elevators.

Stairway around Elevator.

63. Stairway and elevator shaft to be separated by fireproof material.

Overhead Grating.

64. To prevent sheaves, etc., from falling.

Safety Appliances, Etc.

65. To prevent accident if cable should break; speed governor, side-walk guard.

Machinery.

66. Safety specification for machinery.

Repairs to Elevators.

67. Permit for repairs; emergency repairs.

Operation of Elevators.

68. Elevator operators; age limit; proviso as to private elevators.

Storage of Materials.

69. Materials which must not be stored in elevator shafts.

Signs.

70. Notices of safe weights, etc., to be of uniform size.

Drawings and Models.

71. Drawings or models to be submitted when required.

Miscellaneous Elevators.

72. Elevators not herein provided for.

Appeal.

73. By whom and when appeals may be made.

Penalties.

74. Penalties for violations of provisions of this sub-division of this article.

Fences.

75. Compensation of owner for use of division fence by others.
76. Permit required for fences and sign boards larger than six feet square.
77. Height of advertising fences limited.
78. Penalty for violation of provisions of this sub-division of this article.

Fire Regulations.

79. When fire-proof doors required.
80. To be put on inside if impracticable to put on outside; manner of hanging.
81. Metal frame sash glazed with wired glass may be substituted for fire-doors or shutters.

Fire Proof Materials Required in Certain Buildings.

82. Hotel, office building, workshop, etc., floors to be fire-proof; fire-proof partitions and stairways.

Fire Escapes and Alarms.

83. Required in buildings over two stories in height when occupied for certain uses; fire-escapes to be kept in repair and not obstructed.

Precautions in Case of Fire.

84. Arrangement of halls, stairways, aisles, etc., in buildings of public character, to facilitate egress.
85. Board of Fire Commissioners to approve and inspect fire escapes.

Spark Catchers.

86. Spark catchers to be provided on stacks of bakeries, steam engines, etc.; penalty for non-compliance.

Frame Sheds and Wooden Buildings.

87. Permits for sheds; fees for same; sheds not to be lathed and plastered.
88. Restrictions on erection of sheds; application for permit to be advertised.
89. Fire protection of sheds.
90. When sheds shall not be used as stables.
91. When frame buildings may be lathed and plastered.

Wooden and Frame Buildings Damaged by Fire.

92. When damaged buildings may be rebuilt; when may not be rebuilt; appeal from decision of Inspector of Buildings.

Height of Buildings, Stories and Walls.

93. Height, how computed.

*Height of Walls.**Limiting Height of Buildings.*

94. Height of non-fireproof buildings limited.
95. Definition of fire-proof construction.
96. Limit of extreme height of any character of building.
97. Inspector of Buildings to have authority to determine whether construction is fire-proof.
98. Increasing height of existing buildings.
99. Permits for temporary sheds for mechanics.
100. Permit for lowering, raising and removal of buildings.

Height of Stories.

101. Heights limited for given thickness of wall.

Encroachments.

102. To be removed by owner on notice from Inspector of Buildings.

Iron and Steel Construction.*Columns, Piers, Pillars and Posts.*

103. Fireproof protection for iron or steel columns; protection for girders supporting enclosure walls; specifications for iron and steel construction; diameter and thickness of cast-iron columns; core of columns; blow-holes or imperfections; double columns to meet exigencies.
104. Plates, flanges, rivets, splices, stiffeners, etc.; bolts for beams used in piers.

Lintels.

105. Lintel bearings.

Floor and Roof Beams.

106. Specifications for same.
107. Trimmer beams, headers and tail beams; framed beams.

Rivets and Riveting.

108. Distance of rivet holes from edge of material; pitch of rivets; rivet holes; gussets.

Bolts.

109. Bolt connections; specifications for bolts.

Trusses.

110. Determining stresses on trusses; bolting riveted trusses.
111. Pin-connected trusses; pins and pin holes; pin plates.

Structural Iron and Steel.

112. Cast-iron or metal fronts; structural metal work to be cleaned; painting; iron or steel below water level.

Loads on Floors, Weights and Strains.

113. Spacing joists.
114. Safe weights on floors to be posted in stores, warehouses and factories.

Schedule of Safe Weights.

115. Minimum allowance for safe weights; what live load to consist of; minimum live load for dwellings, hotels, etc.; office buildings, theatres, churches, etc.; public assembly rooms with and without fixed seats; stables, factories, stores, etc.; sidewalks; design of floors; traveling machinery; reduction for buildings over five stories high; wind pressure; loads on roofs; large roofs.

116. Owner of building to post maximum safe load allowed.

Safes, Machinery and Weights.

117. Not to be placed without permit.
118. Factor of safety in computing strains.
119. Manufacturers of girders, etc. to stamp capacity thereon.

Numbering Houses.

120. Irregularities and errors in numbering; penalty for failure to number or unauthorized numbering.

Roofs, Cornices and Scuttles.*Roofs.*

121. Specifications for roofs; single roofs; metal gutters required.

Scuttles.

122. Exits through roofs; ladders for same; size of opening; scuttles of tenement houses not to be locked.

Cornices and Gutters.

123. Exterior cornices and gutters to be fire-proof; metal cornices to balance within wall; wooden cornices when damaged to be replaced with fire-proof ones.
124. Look-outs for metal cornices.

Sanitary and Hygienic Regulations.*Tenement, Lodging and Apartment Houses.*

125. Ventilation of rooms in such houses; transoms; ventilator in roof.
126. Repairs and drainage of roofs.
127. Privies; privy wells; wells to be watertight.

128. Requirements for apartments for dwelling or sleeping; cellars not to be let for such use.

129. Overcrowding prohibited.

Sinks and Cesspools.

130. Sinks of public schools.

131. Specifications for wells used as privies or cesspools.

Wooden Buildings Below Street Level.

132. To be raised above level and underpinned with stone; penalty for neglect to raise.

Sidewalks.

133. Fall or pitch of.

Awnings.

134. Permit required; fee for permit.

Stables.

135. Erection of livery, etc., stables; consent of Mayor and City Council necessary.

136. Publication of application for permit.

137. Continuing penalty for unauthorized stables.

Steam, Gas and Gasoline Engines and Machinery.

138. Inspector of Buildings to grant permits for installation of.

139. Requirements for application for permit.

140. When affidavit required with application; form of affidavit.

141. Application to be published; protests may be filed.

142. Penalty for installation of power without permit; permit revocable; effect of revocation.

143. Penalty for failure to make affidavit when required.

144. Penalty for false affidavit.

145. Permit required for changes in power already installed.

146. Gasoline storage tanks.

147. Publication not required for application for permit for low pressure boilers.

148. Penalty for installing such boiler without permit, or changing same.

149. Fine for increasing pressure on low pressure boilers.

Unsafe and Condemned Buildings.

150. Duty of Inspector of Buildings to notify owner; penalty for disregard of notice; appeal.

151. Duty of Inspector when notice disregarded; Property to be made safe at expense of owner; such expense to be lien on property; if not paid within year to be foreclosed.

152. Inspector of Buildings to have approval of Mayor in making premises safe.

153. Immediate action in emergency.

Vaults and Areas.

154. Permit required for construction of.

155. Application for permit; walls of vaults.

156. What to be deemed a vault or area.

157. Entrances to cellars and basements, how to be covered or enclosed; penalty for failure to protect same.

158. Precautions against accident during construction of vaults or areas.

159. Requirements for alterations and repair of cellar doors.

160. Coverings of vaults and apertures in footways.

Walls of Buildings.

Footings of Walls.

161. Specifications for base courses.

Foundation and Division Walls.

162. Requirements for outside or division walls.

163. Foundation walls and piers.

164. Rock to be benched when foundations on rock bottom; excavations on street-side of lots to be guarded.

165. Underpinning where excavation is less than ten feet deep; when neglected by owner, to be done by Inspector of Buildings at expense of owner.

Party Walls.

166. Underpinning where excavation is more than ten feet deep; liability for expense of underpinning.

167. Repair or removal of party walls; expense to be borne by parties building.

168. Use of party walls; liability of builders of new walls.

169. When builders of new walls exempt.

Thickness and Construction of Walls.

170. Specifications for foundation walls, isolated piers, etc.; walls and footings; "walls for dwelling houses" defined; specifications for same; thickness required for different heights of wall.

Construction and thickness of Dwelling Walls.

171. Walls in non-fireproof dwelling houses; non-bearing walls.

172. Brick partition walls.

173. Height of single-thickness walls; use of iron or steel girders not prohibited hereby.

174. Relation of bearing walls to span.

175. Specifications for centre walls between dwellings.

Walls of Warehouses.

176. "Walls of Warehouses," defined; thickness of wall for different heights.

177. Additional thickness of bearing walls for increase in clear span.

Miscellaneous Walls.

178. Walls of public buildings.

179. Partition walls in warehouses and factories.

Buildings without Partition Walls

180. Substitutes for partition walls; area of buildings in which partition walls not required.

181. Exceptions in case of building of not over three stories.

Cross Walls.

- 182. Side Walls increased where no cross walls.
- 183. Reduction of interior walls.

One and Two Story Structures.

- 184. Specifications for one-story walls.
- 185. Same, for two-story walls; proviso as to minimum thickness.
- 186. Fire-walls of one and two-story buildings.
- 187. Brick walls in between iron or steel columns; curtain walls.
- 188. Party walls heretofore built; provisions herein not retro-active.

Erection of Walls.

- 189. Safety provisions during erection of walls; exception; walls to be bonded together; anchoring.
- 190. Specifications for openings for doors and windows.

Strength of Walls.

- 191. Masonry and brick-work specifications; hollow walls.
- 192. Recesses in walls for elevators, etc.

Concrete Walls.

- 193. Thickness of, to depend on materials used; Inspector of Buildings to determine thickness; not to be built in freezing weather; consent of adjoining owners to use of concrete as party walls.
- 194. Stone ashlers.

Brick Work.

- 195. Specifications for brick work.
- 196. Bonding face bricks.

Headers.

- 197. Where headers required; dimensions of headers; bonding facing of walls.

Joists.

- 198. Anchoring of joists, and walls at each tier of joists.
- 199. Brick arches between joists.
- 200. Specifications for framing joists; trimmers and headers to be double joists.

Mortar.

- 201. Specifications for mortar sand and cement.
- 202. State and United States structures excepted from provisions of this Article.
- 203. Penalty for violation of provisions of this Article.
- 204. Recovery of penalties incurred.

INSPECTOR OF BUILDINGS.*Subordinates.*

- Ord. 9, February 28, 1883. Ord. 15, March 9, 1896. Ord. 53, April 10, 1896. Ord. 26, December 29, 1899. Ord. 14, October 23, 1903.
Ord. 167, December 5, 1904. Ord. 58, December 30, 1905.
City Code, (1893) Art. 7, Sec. 1.

1. The Inspector of Buildings is empowered to appoint, so far as the needs of his office, in his opinion may demand

such appointments, the following assistants, subordinates, clerks and employes, their compensation not to exceed in the aggregate the sum of forty-five thousand, four hundred and forty dollars (\$45,440) per annum, one Assistant Inspector, nine District Inspectors, one Inspector and one Assistant on New City Improvements and Repairs, one Construction Engineer and two Assistants, one Furnace Inspector, one Steam Boiler and Machinery Inspector, three Electrical Inspectors, two Elevator Inspectors, one Chief Clerk, one Assistant Clerk, one Stenographer, five Permit and Notice Clerks, one Draftsman, two Gasoline Inspectors and one Extra Clerk.

Appeals.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7. Sec. 84.

2. Should the owner or trustee of any building object to any order or decision of said Inspector of Buildings on a matter left by this Article to his approval or control, they may appeal, as herein set forth, upon a deposit of thirty dollars with the Inspector of Buildings, to cover a fee of an examining commission. Interested parties shall appeal within twenty-four hours in writing to the Inspector of Buildings, who shall appoint a commission to determine the point or points at issue, which commission shall consist of two disinterested competent builders; one shall be appointed by the Inspector of Buildings and one by the party interested; these two shall appoint an umpire; they shall be paid for their services a sum not exceeding ten dollars each; the decision thereon in writing by these referees, or a majority of them, shall be final and conclusive. This shall in no way lessen the responsibility of parties appealing for any accident that may happen during the interval.

Appeals from
Inspector of
Buildings

Contracts.

Ord. 33, April 4, 1882. City Code, (1893) Art. 7. Sec. 99.

3. In the specifications of all contracts for the erection, alteration or repair of any public building, there shall be

Inspector of
Buildings to
superintend
and approve
work of
contractors.

inserted a stipulation that the work to be done thereunder, shall be subject to the supervision and approval of the Inspector of Buildings.

Limits Within Which This Article Operates.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 2.

Ord. 63, March 21, 1904.

Restricting
erection of
certain
buildings in
city limits.

Boundaries
defined.

Where frame
structures
permitted.

4. All that portion of the State of Maryland within the corporate limits of the City of Baltimore shall constitute the limits under this Article in which no wall, structure, building, part or parts thereof shall be built, altered, changed or repaired except in conformity to this Article. It shall be unlawful to erect, build, alter, repair or change any structure (except in conformity to the laws regulating brick buildings) upon any lot in the City of Baltimore within the following boundaries: Beginning from the intersection of the eastern and southern city limits on the east, thence north to the intersection of the eastern limits and to intersect a line drawn easterly with and continuing the line of the north side of Twenty-sixth Street, thence westerly reversing said line and bounding on the north side of said Twenty-sixth Street and continuing said line until it intersects the easternmost side of the Reistertown Turnpike Road, thence southwesterly by a direct line to the intersection of the southern limits of the city and the easternmost side of Gwynn's Falls, thence along the southern boundaries to the place of beginning. In the territory within the city limits outside of the above named boundaries frame structures will be allowed; provided, each and every building shall have at least ten feet of its own lot on each side of said house or structure, thus making twenty feet between houses; and provided further, that the proper requirements for strength and safety are met.

Permits for Building.

City Code, (1893) Art. 7, Sec. 2A. Ord. 63, March 21, 1904.

5. It shall be unlawful to erect, build, alter, repair or change any structure upon any lot within the limits of the

City of Baltimore, as they now exist, without first making application and obtaining a permit from the Inspector of Buildings. Applications for permits shall be made on the blanks in the office of the Inspector of Buildings, and signed by the owner or by a proper officer or member of a corporation, company or firm, and shall state clearly and fully the work contemplated to be done. In all cases drawings on tracing linen, mounted blue or black prints, or other approved fabric, and specifications sufficient to enable the Inspector of Buildings to obtain full and complete information as to the extent and character of the work to be done, shall be presented with such application. If the matter mentioned in any application for a permit, or in the plans or specifications accompanying and illustrating the same indicate to the Inspector of Buildings that the work to be done is not in all respects in accordance with the provisions of the building regulations, he shall refuse to issue a permit until such application and plans and specifications shall have been made to conform to the requirements thereof. When such application and plans and specifications conform to the regulations, the Inspector of Buildings shall issue a permit, and shall file such application, and shall apply to such plans and specifications an official stamp stating that the drawings and specifications to which the same shall have been applied comply with the terms of these regulations. The plans and specifications so stamped shall then be returned to such applicant. In all cases where permits are issued by the Inspector of Buildings contingent upon the written consent of the property owners or residents, the document containing such written consent must be made a permanent record of the office of the Inspector of Buildings; provided, that in the case of new structures permits shall, after application to the Inspector of Buildings, be issued by the Appeal Tax Court, as heretofore; and provided, that wherever in this article it is provided that permits may or shall be issued by the Inspector of Buildings, such language shall be construed to mean that in the case of new structures such permits shall, after application to the Inspector of Buildings, be issued by the Appeal Tax Court, as heretofore.

Permit of
Inspector of
Buildings.

Work done
must be in
accordance
with building
regulations.

Proviso.

Plans and Specifications.

City Code, (1893) Art. 7, Sec. 2B. Ord. 63, March 21, 1904.

Plans and
specifications
to be filed.

6. True copies of so much of said plans and specifications as may be required in the opinion of the Inspector of Buildings shall be furnished and shall remain on file in his office until the completion or occupation of said building ; after which such drawings and specifications may be returned by the Inspector of Buildings to the parties by whom they have been deposited with him, upon the demand of said person or persons, except that plans and specifications of theatres, churches, halls, hotels, apartment houses, tenements, factories, shops, schools, colleges, hospitals, asylums, and all other buildings to be occupied by more than twenty-five people at one time, shall remain on file as a permanent record in the office of the Inspector of Buildings. It shall not be obligatory upon the Inspector of Buildings to retain the drawings not mentioned above in his custody for more than three months after the completion or occupation of any building.

Plans as
permanent
records.

City Code, (1893) Art. 7, Sec. 2C. Ord. 63, March 21, 1904.

Unlawful to
alter plans
and speci-
fications.

7. It shall be unlawful to erase, alter or modify any lines figures or coloring contained upon such drawings or specifications so stamped by the Inspector of Buildings or filed with him for reference. If, during the progress of the execution of such work, it is desired to deviate in any manner affecting the construction or other essentials of the building from the terms of application, drawings or specifications, notice of such intention to alter or deviate shall be given in writing to the Inspector of Buildings, and his written assent must be obtained before such alterations or deviations may be made.

Gutters and Spouting.

City Code, (1879) Art. 7, Sec. 32. City Code, (1893) Art. 7, Sec. 101.

Spouting and
gutters.

8. The Inspector of Buildings is hereby authorized and directed to compel all persons owning property, or agents of the same, to put up proper spouting and gutters to all

buildings claimed by them within the city limits, and to keep the same in proper repair, so as not to allow the water to leak from or flow over the gutters to the pavement below; and for any violation of the provisions of this section, after ten days' notice from the Inspector of Buildings, the person or persons so offending shall forfeit and ^{Penalty.} pay a penalty of ten dollars.

Inspection of Market Houses.

Ord. 60, May 30, 1879. City Code, (1893) Art. 7, Sec. 105.

9. It shall be the duty of the Inspector of Buildings to ^{Annual report of Inspector.} annually inspect all the market houses and other buildings belonging to the City of Baltimore, and report to the City Council at its first meeting in the month of February of each year, what repairs are required on each of said market houses and other buildings, with a detailed estimate of the cost of the same.

Repairs to City Buildings.

City Code, (1879) Art. 7, Sec. 23. City Code, (1893) Art. 7, Sec. 96.

10. The repairs of all buildings belonging to the city shall be under the direction and control of the Inspector of Buildings; and should any building require repairing, it shall be his duty, with the approval of the Mayor, to have the same done in such manner as he may deem best for the interest of the city, wherever an appropriation has been made therefor. ^{Inspector of Buildings to direct and control repairs to City Buildings.}

ALTERATIONS AND REPAIRS.

Ord. 146, Oct. 23, 1891. City Code, (1893) Art. 7, Sec. 27.

Ord. 63, March 21, 1904.

11. No alteration or repair of any structure or part thereof outside of the building line shall be made unless an application has been made and approved by the Board of Estimates and permit obtained from the Inspector of Buildings, and no alterations or repairs can be made in or ^{Alterations or repairs.}

upon any building or structure of any kind without first applying for and obtaining a permit from the Inspector of Buildings and complying with the provisions of this Article.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 75.

Ord. 63, March 21, 1904.

Existing
structures.

12. No building, structure or wall already erected, or hereafter to be erected, shall be enlarged, raised, altered or built in such manner that, were such building, structure or wall wholly erected after the passage of this Article, it would be in violation of any of the provisions thereof.

BALCONIES, PIAZZAS, PORCHES, BAY AND ORIEL WINDOWS AND BATH ROOMS.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 66.

Ord. 64, June 9, 1902.

Applications
and permits.

13. No rear balcony, piazza, porch or platform composed wholly or partly of wood, shall hereafter be built or constructed, unless application shall have been made and a permit issued for the same previous to commencing said erection, for which a sum equal to five cents per square foot of surface measurement for each and every story shall be paid before such a permit is issued. No structure named in this section shall extend out more than ten feet from the house to which it is attached; the width of said structure shall be as follows: if extending from the first floor above the surface, it may extend from side to side of the lot, provided it is open in front; should it be desired to extend any balcony, piazza, porch or platform from any story other than the first one above the surface of the ground, a brick wall must be built from the ground up above the roof of said structure at least eight inches thick at each end; if said balcony, piazza, etc., extends to party lines of the lot, the brick wall may be omitted, provided the structure, if closed and built entirely of wood, is built so as not to be within five feet of any wood construction on adjoining premises, or three feet, if the ends are lined with metal, but in no case can said structure be nearer than eighteen

inches to party line without a brick wall at the ends. This section is not intended to include or interfere with any section of this Article governing frame sheds.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 67.

Ord. 64, June 9, 1902.

14. It shall be unlawful for any person, persons or corporation to erect any dwelling house or alter any building to be used as a dwelling house having four or more rooms, exclusive of bathroom, unless said house shall have therein a bathroom and bath tub, with all necessary supply pipes, waste and sanitary equipments ; and should there be not room enough in a brick, iron or stone building for such bathroom, then a permit may be granted by the Inspector of Buildings, upon application being made therefor, for a frame projecting room not to extend over eight feet from house, provided said frame bathroom, if wholly of wood, is distant from any other frame structure five feet, or three feet distant if covered on ends with metal, but in no case shall said structure be placed nearer than eighteen inches to any party line of property. The permit must be obtained in all cases of frame bath rooms before commencing the work, for which the sum of five cents per square foot (superficial measurement) shall be charged. The brick wall from which the frame bathroom extends must continue up above the top of such frame structure and have no communication with the main house, except the door-way leading thereto.

Bathrooms, in
what houses
required.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 67A.

Ord. 64, June 9, 1902.

15. It shall be unlawful to erect or alter any bay or oriel window, composed wholly or partly of wood, without first making application to and obtaining a permit for same from the Inspector of Buildings, for which the sum of five cents per square foot (superficial measurement) for each story in height shall be paid before issuance of the permit, provided that no such wooden window shall be within five feet of any other frame structure, if built entirely of wood,

Alterations.

or three feet from any other frame structure, if covered with metal. But in no case shall said structure be placed nearer than eighteen inches to any party line of property.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 67B.

Ord. 64, June 9, 1902.

Penalty.

16. Any person or persons or corporation violating the provisions of sections 13, 14 and 15 of this article, shall pay a fine as provided in Section 203 of this Article.

Ord. 101, October 20, 1883. City Code. (1893) Art. 7, Sec. 113.

Permits for
bow-
windows.

17. The Inspector of Buildings, is directed to issue a permit to any person or persons applying therefor, to erect bow-windows for the display of wares and merchandise, or other purposes of trade, after the same shall have been applied for to, and approved by, the Board of Estimates, and a certificate of all charges paid to the Comptroller shall have been produced.

City Code, (1879) Art. 7, Sec. 55. City Code, (1893) Art. 7, Sec. 114.

Penalty.

18. If any person or persons shall erect, or cause to be erected, any bow-window provided for in the next preceding section, without a permit therefor, as therein authorized, or having a permit shall erect, or cause to be erected, such window of larger dimensions than those authorized by the permit, he, she or they shall be subject to a fine of ten dollars (\$10) per day for each day such window shall remain in violation of the provisions of the next preceding section.

Ord. 90, May 26, 1887. City Code, (1893) Art. 7, Sec. 115.

Approval of
Board of
Estimates
and certi-
ficate of Com-
ptroller.

19. No permits shall be granted by the Inspector of Buildings for the construction of a bay-window beyond the building line, unless, nor until, application therefor shall have been made to the Board of Estimates and such application approved by said board; and no such permit shall be

issued by the Inspector of Buildings except upon presentation of a certificate from the Comptroller that all charges made by the Board of Estimates have been paid.

CELLARS, ETC.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 87.

20. The word cellar in this article shall be taken to mean a ground floor, room or basement in a dwelling house, the floor of which is below the level of the pavement.

Cellar,
definition of.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 88.

21. All cellars shall extend underneath the whole house and be ventilated from both ends, and in low, damp or made ground the bottom of all cellars shall be covered with concrete or asphalt to the depth of at least four inches thick, and where floored there shall be at least six inches of air space underneath the floor.

Cellars, venti-
lation of.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 89.

22. Where dwelling houses are built upon low, damp or made ground, the ground shall be covered with concrete or asphalt four inches thick, and there shall be at least six inches of air space between the surface of the concrete or asphalt and the joists of the floor, and there shall be ventilation at both ends.

Dwellings on
low, damp or
made
ground.

CHIMNEYS, FLUES AND HEATING APPARATUS.

City Code, (1879) Art. 9, Secs. 1 and 8. Ord. 95, June 17, 1886.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 44.

23. All chimneys and flues in stone or brick walls in any building hereafter erected, altered or repaired, without reference to the purpose for which they may be used, shall have the joints struck smooth on the inside, and be smoothly plastered with mortar outside, below the roof, at all concealed points, but no parging mortar shall be used on the said inside of any flue thirteen inches and over,

Chimneys,
flues and
fire-backs.

and the fire-backs of all fire-places hereafter erected shall not be less than eight inches in thickness, and all flues in any building shall be topped out at least four feet above the roof, or to such height as may be required by the Inspector of Buildings, and no flue shall contain less than sixty-four square inches of space.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 45.

Flues to be
cleaned and
left smooth.

24. All flues shall be properly cleaned and the flues left smooth upon the inside upon completion.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 46.

Flues for con-
veying heat-
ed air.

25. No metal flue, pipe or register box, of a single thickness of metal, used or intended to be used to convey heated air in any building hereafter to be built, altered or repaired, shall be allowed, unless the same shall be built in a brick or stone wall, or in other cases the said flue, pipe or register box shall be made double, that is, two pipes, one inside the other, at least one inch apart.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 47.

Woodwork
against flues.

26. No wooden furring or lath shall be placed against any flues or metal pipes used to convey heated air in any building, and no air flue shall be used at any time as a smoke flue, no base, flooring, roofing or any other woodwork shall be placed against any brick or other flue used to convey heated air, until the same shall be well plastered behind such woodwork with some incombustible or non-conducting material.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 48.

Chimneys and
smoke flues.

27. No chimney breast shall be started or built upon any wood floor or joists; all chimney or smoke flues shall have a wall at least nine inches thick at back, and when corbelled out shall be supported by at least five courses of brick; and if supported by piers, the same shall start from the foundation on the same face with the breast above,

and shall not be less than one and a-half bricks wide on face; and all chimneys shall be bonded to the walls at every course from the bottom to the top.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 49.

28. All hearths shall be supported by arches of brick, Hearths and chimneys. iron or concrete, and no chimney in buildings already erected or hereafter to be built, shall be cut off below in whole or in part and supported by wood, but shall be wholly supported by stone, brick or iron, and all chimneys in any building already erected or hereafter to be erected, which shall be dangerous in any manner whatever, shall be repaired and made safe or taken down.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 50.

29. No smoke-pipe in any building with combustible Smoke flues. floors and ceilings, shall hereafter enter any flue nearer than twelve inches from the floor or ceiling; and in all cases when smoke pipes pass through the stud or wooden partitions, floor or roof, whether plastered or not, they shall be guarded by either a double collar of metal with at least two inches air space all around, and holes for circulation of air, or by a soapstone ring or solid casting of plaster of Paris not less than three inches in thickness, and extending through the partition, or by an earthenware ring one inch from the pipe at every point.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 51.

Ord. 113, May 3, 1893.

30. In all cases where hot water, steam, hot air or other Furnace smoke pipes. furnaces are used, the furnace smoke-pipe must be kept at least eight inches below the bottom of the joists above the same, the said joists to be protected by an asbestos mill-board, and bright charcoal tin lining attached to said joists, with two inches space for the free circulation of air between the said joists and lining, and six inches of space for the free circulation of air between the lining and top of smoke-pipe, the smoke-pipe to be protected by said

lining, not less than twenty inches wide, and at all points where the smoke-pipe is less than two feet from the bottom of said joists; and upon the top of all furnaces set in brick, iron bars must be placed, with a covering of No. 24 best bloom galvanized iron, riveted together the size (length and width) of the outer edge of the four walls of the said furnace; the bars under or above the covering to be placed near enough together so that the weight of the two courses of bricks covering the top of furnace shall rest on them.

Ord. 123, May 2, 1901.

School build-
ings to be
fire-proof.

31. All buildings hereafter constructed for use as public school buildings shall be erected under the supervision of the Inspector of Buildings, of such fire-proof materials over and about all furnace or heating apparatus where such heating apparatus is within two feet of the ceiling line, as are now used in the construction of modern buildings supposed to be absolutely fire-proof, and also all heating and smoke-pipes shall be encased entirely in fire-proof materials.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 52.

Ord. 113, May 3, 1893.

Top of fur-
naces.

32. The top of all furnaces must be kept at least fourteen inches below the bottom of the joists; the said joists to be protected by an asbestos mill-board, and bright charcoal tin lining attached to said joists, with two inches of space for the free circulation of air between the joists and lining, the lining to extend one foot beyond the sides, and back eighteen inches beyond the front of top of the furnace.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 53.

Hot-air regis-
ters.

33. All hot air registers set in the floor of any building shall be set in a border of soapstone, or other fire proof material, and all floor or register boxes to be made of sheet metal, with flange on top to fit the groove in the border, the register to rest upon the same, and there shall also be

an open space of two inches on all sides of the register box, extending from the under side of the ceiling to the border in the floor, the outside of said space to be covered with a casing of metal made tight on all sides, and to extend from the under side of the aforesaid ceiling up to and turn under the said border.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7. Sec. 54.

34. All gas, water or other pipes introduced into any building shall not be let into the joists unless the same be placed within twenty-four inches of the ends of said joists, and in no building shall the pipes be let into the joists more than two inches in depth. Gas, water and other pipes.

City Code, (1879) Art. 9, Secs. 2 and 9. Ord. 146, October 23, 1891.

City Code, (1893) Art. 7, Sec. 55.

35. In no building shall any wooden girders, joists or timbers be placed nearer than two inches of the outside of any smoke, air or other flue, and all joists or other timbers in the division walls of any building hereafter erected, whether built of stone, brick or iron, shall be separated from the joists or timbers entering into the opposite side of the wall by at least four inches of solid masonry work. Wooden joists or girders.

City Code, (1879) Art. 9, Sec. 14. City Code, (1893) Art. 9, Sec. 5.

Ord. 49, April 11, 1900.

36. No person shall erect a stove and conduct the pipe thereof through the side or end of any wooden house, or the roof or wooden ceiling of any building, except with permission of and under such safe-guards as may be prescribed by the Inspector of Buildings, under a penalty not exceeding ten dollars, and shall forfeit and pay a like sum for each and every month thereafter until such pipe shall be removed. Restrictions. Penalty.

Inspections of Hot Air Furnaces and Heating Apparatus.

Ord. 56, April 14, 1896, Sec. 1.

37. Whenever the Inspector of Buildings shall have cause to suspect that any hot air furnace or other heating

To inspect hot-air furnaces or other heating apparatus.

apparatus in any dwelling or other building shall be so defective in any of its parts, or shall be out of repair to such an extent as to be liable to set fire to the building in which it is located, the said Inspector of Buildings shall have the right to demand entry into such dwelling or other building, and shall inspect such hot-air furnace or other heating apparatus, and all heat, smoke and other pipes and appurtenances in connection therewith, and if in his judgment there be any defect in such furnace or other heating apparatus, or any parts thereof that may endanger the safety of such dwelling or other building, then he shall direct that the requisite repairs shall be made, or he may condemn the said furnace or heating apparatus and order its removal from the premises.

Ord. 56, April 14, 1896. Ord. 158, October 31, 1896, Sec. 3.

Relating to hot-air furnaces and heating apparatus.

Penalty.

38. No hot-air furnace or other heating apparatus shall be placed in a dwelling or other building until a permit so to do shall have been obtained from the Inspector of Buildings for each dwelling or other building to be heated, and a failure to obtain such permit shall subject the party erecting the heating apparatus to a fine of fifty dollars (\$50) and such permit shall be returned to the Inspector of Buildings by the party erecting such furnace or heating apparatus at the time the final inspection of the work is done.

Ord. 56, April 14, 1896.

Penalty for refusal to permit inspection.

39. If the builder, owner or owners, or occupier of any dwelling or other building shall refuse or delay to open the same, and permit a free examination and inspection, as contemplated by section 37 of this article, he, she or they shall forfeit and pay for every such refusal the sum of twenty dollars (\$20).

Ord. 56, April 14, 1896, Sec. 5.

40. If the owner or owners, or their agents, of any dwelling or other building shall refuse or delay to properly

repair or remove such furnace or heating apparatus or other appurtenances, when so directed by the Inspector of Buildings, then he, she or they shall forfeit and pay as a fine the sum of fifty dollars (\$50). Penalty for refusal to repair or remove.

Ord. 56, April 14, 1896, Sec. 6.

41. If the party obtaining the permit for the erection of any furnace or heating apparatus shall fail or refuse to return the said permit at the time specified in section 38 of this article, then the said party shall pay a fine of five dollars (\$5) for each and every day thereafter until the said permit is returned to the Inspector of Buildings. Penalty for failure or refusal to return permit.

Ord. 56, April 14, 1896, Sec. 7.

42. It shall be unlawful for any owner, agent or renter to use any ash-box in buildings except it be of iron or galvanized iron, and any agent, owner or renter who shall use any other ash-box in buildings, except as provided for by this section, shall be liable to a fine of five dollars (\$5). Unlawful to use any other than iron ash-box. Penalty.

City Code, (1879) Art. 9, Sec. 12. City Code, (1883) Art. 9, Sec. 3.

43. No person shall erect or continue to use any smoke-stack, chimney flue or stove-pipe within the city in such manner as that the smoke or cinders therefrom shall annoy any neighbor, or endanger the surrounding property by fire; and upon complaint in writing signed by a majority of the owners and occupiers of adjoining property affected by such use of said smoke-stack, chimney flue, or stove-pipe, made to the Inspector of Buildings, the Inspector of Buildings may, in his discretion, or he may on his own motion, order such smoke-stack, chimney flue or stove-pipe to be altered or improved, as he may deem best for the protection of the surrounding property; and if any person, or corporation, shall refuse or neglect to alter or improve such smoke-stack, chimney flue or stove-pipe within ten days after receiving notice in writing from the Inspector of Buildings, he shall forfeit and pay a fine of twenty dollars, and ten dollars for each and every day thereafter until such order shall be obeyed. Annoying and dangerous chimneys. Abatement of nuisance.

ELECTRICAL INSTALLATION AND WIRING.

Ord. 40, March 17, 1902, Sec. 1.

Use of electrical current, when unlawful.

44. It shall be unlawful for any person or persons, firm or corporation, to use electrical current in or on any building or other structure, or upon any street lane or alley, or other highway in the City of Baltimore other than the central stations of street railway, electric light and telephone and telegraph companies in violation of the provisions of this sub-division of this article.

Ord. 40, March 17, 1902, Sec. 2.

Wiring permits.

45. Hereafter, before any work is commenced upon any installation or apparatus which contemplates the introduction or use of electrical current, the person, firm or corporation proposing to do the work or have the same done shall make application to the Inspector of Buildings for a permit, such application to describe fully the work contemplated and the highway to be used, the voltage and amount of current to be introduced into the building and description of the work proposed to be done giving the locality of building and description of the work proposed to be done, giving locality of building or premises by street, number, etc., and such application shall be signed by the applicant, or his or her or its authorized representative. A permit shall be then issued by the said Inspector of Buildings, if the work is such as in the judgment of said Inspector of Buildings will not be dangerous to life or property ; such permit shall be required for all classes of work, for the introduction of electrical current and for all work and wiring which is designed to be covered with wood, plaster and other building material, or hidden from full view, and no work shall be done of the kind for which permits are required by this section other than that set out in the application and for which the permit was obtained. All work not to be covered or hidden from view as aforesaid as well as repairs on such covered work, made in cases of great emergency, shall be reported to the said Inspector of Buildings within twenty-four hours from the commencement of the same ; and if upon inspection by the Inspector

Work in emergency.

of Buildings such work for which no permit was required shall be deemed by him to be unsafe, he shall so notify the owner or person using the same, or in charge thereof, and the use thereof shall cease at once.

Ord. 40, March 17, 1902, Sec. 3.

46. The Inspector of Buildings at the proper time after the issue of the permit provided for in the next preceding section, shall, through the inspectors provided for in section 1 of this Article, make a careful inspection of all wires, coverings, insulations, cut-outs and protective devices and of all apparatus and material of any character used in such installation on said highways or within such building or premises, and in so doing shall have the power to remove any obstruction or obstructions such as laths, plaster, partitions, flooring or such like as would otherwise interfere with the proper inspection of such installation.

Inspection,
powers of In-
spector of
Buildings in
relation
thereto.

Ord. 40, March 17, 1902, Sec. 4.

47. The Inspector of Buildings is hereby authorized and directed and it shall be his duty to inspect or cause to be inspected thoroughly and properly all electrical wires and apparatus now on any of the highways or now in or on any buildings in the City of Baltimore, and if any such wires or apparatus are discovered to be in such condition either as to material or manner in which constructed, or installed, as to be dangerous to life, or property, the Inspector of Buildings shall notify the owner of such wires or occupant of such building who uses such dangerous equipment to have the defects remedied within a reasonable time, such time not to exceed ten (10) days from date of notice and it shall be the duty of such owner or occupant to comply with such notice. The Inspector of Buildings is further authorized if in his judgment it shall be necessary for the protection of life or property, to give notice to the person, firm or corporation supplying the electrical current to such dangerous equipment, to discontinue the supply of current until defects in the equipment are remedied to the satisfaction of the Inspector of Buildings, and the same shall be

Inspection of
electric wires
and appara-
tus.

To cause dan-
gerous wir-
ing to be
remedied.

Notice.

discontinued at once, and the Inspector of Buildings is hereby empowered to cut such wires if in his judgment the same shall be absolutely necessary for the protection of life and property.

Ord. 40, March 17, 1902, Sec. 5.

Certificates.

Installation to
be described.

48. After the Inspector of Buildings shall have made an inspection of the electrical wiring and apparatus now in use upon any building or other structure in the City of Baltimore, including the apparatus and means of introduction of the electrical current into such buildings or other structure, as contemplated in Section 47 of this Article and shall find the work safe, the said inspector of Buildings shall deliver to the person or persons, firm or corporation using such current a certificate showing that such inspection has been made ; such certificate shall contain a general description of the installation and such other statements as may be necessary to identify the work inspected ; after any new work hereafter done shall have been completed, a similar inspection shall be made by the Inspector of Buildings and a similar certificate given. No current shall be turned in on such new installation for which permits are required, until such certificate has been given.

Ord. 40, March 17, 1902, Sec. 6.

Removal of
wires.

49. It shall be the duty of the owner or owners of any dead or unused wire or wires, now or hereafter upon any highway or building or other structure in the City of Baltimore, to remove the same immediately, and whenever the Inspector of Buildings shall discover any dead or unused wire or wires on any highway or building or other structure in the City of Baltimore he shall immediately order the owner of the same to remove such wire or wires, and the same shall be removed by such owner or owners within the time prescribed in such notice, which shall not exceed ten (10) days, and the Inspector of Buildings shall have the power to remove any such wires, if he shall see proper to do so, which removal by the Inspector of Buildings shall be at the

expense of the owner or owners thereof, if such owner or owners can be found. And if the Inspector of Buildings shall discover any wire or wires, whether dead or unused wires, or wires in use so constructed as to be in his judgment dangerous by reason of proximity of construction to other wires or to any other conductor of electrical currents he shall notify the owner or owners so to place such wire or wires as to remove such danger; and it shall be the duty of the owner or owners of such wire or wires to comply with such notice.

Ord. 40, March 17, 1902, Sec. 7.

50. Any person, firm or corporation who or which shall violate any of the provisions of this sub-division of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding twenty dollars (\$20) for each offense, and a fine not exceeding twenty dollars (\$20) for each day such offense shall continue, if the same be a continuing offense.

Violation of provisions of this sub-division to be misdemeanor.

Penalty.

Ord. 40, March 17, 1902, Sec. 8.

51. The owner or controller of any wires or highways, or any owner or occupant of any building or buildings or premises where electric wiring is used or to be used, or any other person who shall refuse to allow access to such premises, or who shall prevent, interfere or obstruct in any manner any inspector in the discharge of his duties under this sub-division of this article, shall upon conviction, forfeit and pay a fine for each offense of not less than five dollars (\$5) or more than one hundred dollars (\$100) in the discretion of the Court.

Interference with inspection.

Ord. 40, March 17, 1902, Sec. 9.

52. No man who has not had at least six consecutive years actual experience, and who is not in the active pursuit of his profession or trade as an electrician or electrical worker at the time of making his application, shall be qualified for appointment as an electrical inspector under the provisions of section 1 of this article.

Qualifications of electrical inspectors.

Ord. 40, March 17, 1902, Sec. 10.

No release of liability for damages due to defective equipment, etc.

53. The provisions of this sub-division of this article shall not be construed to relieve from or lessen the liability or responsibility of any person, firm or corporation operating, controlling or installing any electrical installation or equipment from damages to anyone injured by any defect therein, nor shall the city of Baltimore be held as assuming any such liability by reason of the inspection authorized therein, or by any certificate issued hereunder.

Ord. 40, March 17, 1902, Sec. 11.

Plants which Inspector of Buildings may exempt from operation of these provisions.

Certificate of exemption.

Certificate may be revoked.

54. The Inspector of Buildings shall have the authority to exempt from the operation of the provisions of this sub-division of this article any building or group of buildings in which is operated and isolated plant for the generation of the electricity used therein, and which has in its regular employ a competent electrician; such exemption shall be for a stated period to be named in a certificate to be issued by the Inspector of Buildings, not exceeding six months, and may after examination by said Inspector of Buildings, be renewed from time to time, and such certificate of exemption may be revoked at any time by the Inspector of Buildings.

ELEVATORS.

Permit and Certificate.

City Code, (1893) Art. 7, Sec. 43. Ord. 74, May 10, 1904, Sec. 43.
Ord. 185, January 6, 1905, Sec. 43.

Permit for elevators.

Inspector of Buildings to inspect.

Issue of certificates.

55. It shall be unlawful to commence the installation of any elevator or hoist in or about any building without first obtaining a permit for the construction of same from the Inspector of Buildings, which permit is to be returned to the Inspector as notice of completion. During the construction, the elevator or hoist to be subject to inspection on the part of the Inspector of Buildings, or his authorized agents at any time; and when completed in accordance with all requirements the Inspector of Buildings will issue a certificate, which the owner or lessee must

place in a conspicuous place in or about the elevator or hoist, and no elevator shall be used by any owner or lessee for regular service until such certificate has been furnished.

Register of Elevators.

Ord. 74, May 10, 1904, Sec. 43A. Ord. 185, January 6, 1905, Sec. 43A.

56. All owners or lessees of any building or premises in which an elevator or hoist is already constructed shall, within thirty days after the approval of this ordinance, report the same, giving the location and whether the owner or lessee is responsible for said elevator or hoist. A register of all elevators shall be kept in the office of the Inspector of Buildings in a book specially prepared for that purpose. The Inspector of Buildings shall have, as soon as convenient, all such elevators or hoists inspected, and if found secure and safe, issue a certificate, as in the case of new elevators. If any elevator or hoist already erected shall, upon inspection, be found defective or out of repair in any of its parts, notice thereof shall be given and the owner or lessee shall immediately have such elevator or hoist put in safe and secure condition before a certificate is issued therefor.

Location to be reported.

Register to be kept.

Inspector of Buildings to issue certificate.

Defective elevators.

Inspection.

Ord. 74, May 10, 1904, Sec. 43B. Ord. 185, January 6, 1905, Sec. 43B.

57. All elevators or hoists, and mechanism in connection therewith, shall be under the supervision of the Inspector of Buildings, who shall appoint practical elevator men to make all the required inspections of elevator work. It shall be the duty of said inspector to make periodical examinations at least once in three months of every elevator as directed by the Inspector of Buildings and make immediate report after such examination to said inspector; said report must fully state the condition of machines, running gear, ropes, sheaves, safety and controlling appliances. If any elevator or hoist shall be found unfit for service or out of repair, said inspector shall order

Supervision of Inspector of Buildings.

Inspector to make reports.

To order
repairs.

said repairs to be made at once, and if not promptly commenced, shall order stoppage of such elevator or hoist and revoke permit for such elevator or hoist until complete repairs be made. Should the elevator or hoist be so much out of repair as to endanger life, said inspector shall order that it must cease running until it shall have been completely repaired and so certified by said inspector, and any failure to comply with such order shall subject the proprietor of said premises to a fine of from two hundred and fifty dollars (\$250) to five hundred dollars (\$500).

Repairs to be
made
promptly
with penalty
of fine.

Classification.

Ord. 74, May 10, 1904, Sec. 43C. Ord. 185, January 6, 1905, Sec. 43C.

Classification.

58. This sub-division of this Article is to refer to and cover the following styles of elevators; 1st. Passenger elevators; 2d. Freight elevators; 3d. Combination freight-passenger elevators; 4th. Automatic elevators.

Carrying Capacity, Etc.

Ord. 74, May 10, 1904, Sec. 43D. Ord. 185, January 6, 1905, Sec. 43D.

Regulations of
first class.

59. The elevators under the first class are to be used exclusively for passengers, and the carrying capacity of same shall be limited to one person to each and every 400 square inches of floor space of car, allowing 150 pounds to every person carried; a package weighing not over 100 pounds may be carried on this class of elevator at any one trip, but when so carried the number of passengers allowed must be reduced by one. Those under second class must be used exclusively for freight, and no one, except operators and those engaged in handling the freight, shall be allowed to ride thereon, and in no case can any one other than operators use an elevator, unless the platform of waiter be enclosed on all except loading sides at least six feet high; all the machinery and structure to be strong enough to sustain four times the greatest weight imposed upon it; and before any freight elevator can be used, the safe weight or one-quarter of its ultimate strength must be posted,

Regulations of
second class.

and at all times kept in a conspicuous place on each and every story reached by said elevator, and said elevator must never be loaded beyond the weight as posted. Any elevator or hoist entered as a combination elevator, must never be used for passengers and freight on the same trip, unless a space of 20 inches by 20 inches (400 square inches) be allowed for each passenger using it; and said elevator must be of equal strength as provided for a freight elevator, and the car enclosed and have a canopy like those required for passenger elevators; a car with a freight compartment below will not be allowed. The automatic elevators shall only be permitted for dumb waiters and such passenger purposes in residence or other buildings where same are intended for private use only.

Regulations of
combination
class.

Regulation of
automatic
class.

Clearance, Etc.

Ord. 74, May 10, 1904, Sec. 43E. Ord. 185, January 6, 1905, Sec. 43E.

60. For all elevators having a speed exceeding 60 feet per minute a clear space of not less than three feet must be provided in the bottom of the shaft below the lowest landing. If a depth of three feet cannot be obtained below the level of floor, such depth may be secured by raising the level of the landing and the use of an incline. At the bottom of all elevator shafts there shall be placed substantial buffer springs; and between the top of cross-head of the car and the underside of the overhead grating, when the car is at its top landing, there shall be a space of not less than three feet, and for elevators of greater speed than three hundred and fifty feet per minute the clearance shall not be less than five feet. This does not apply to hand-power elevators. For all elevators running at a speed not exceeding 60 feet per minute no pit and buffer springs will be required. All counterweights shall have their sections strongly bolted together, and no open-end weights may be used. There shall be not less than three feet clearance between the top of counterweight and the underside of overhead beam when the car is resting on the bumpers.

Clearances re-
quired for
different
speeds.

Counter-
weights.

Enclosures and Cars.

Ord. 74, May 10, 1904, Sec. 43F. Ord. 185, January 6, 1905, Sec. 43F, par. 1.

Enclosures
and cars.

61. All elevator shafts must be enclosed on each and every story from floor to ceiling. The enclosure of elevator shafts shall be divided into two classes, either of which will be allowed: First, enclosures built of non-fireproof material; second, enclosures of fire-resisting material throughout. All enclosures of the first class may be either solid partitions or may be ornamental metal work, or may be of wire work of not over $1\frac{1}{2}$ inch mesh, constructed of not less than 3-16 inch wire in iron frames. Every enclosure of the first class in buildings with wood joists or floor supports must be provided at each floor opening with trap-doors, of a thickness not less than $1\frac{1}{4}$ inches, hinged opening, with trap-doors of a thickness not less than $1\frac{1}{4}$ inches, hinged at floor and held open against the sides or back of elevator enclosure by a fusible link, which, in the event of fire shall open and allow doors to fall, closing the hatchway openings in the floor, and automatic trap-doors may be used on elevators not exceeding a speed of 60 feet per minute. The entire under side of traps and flaps are to be lined with tin, properly lock-jointed; the tin to extend over all edges and nailed on upper sides of traps and flaps.

Ord. 74, May 10, 1904, Sec. 43F. Ord. 185, January 6, 1905, Sec. 43F, par. 1

Specifications
for enclosures
of second
class.

62. All enclosures of the second class shall be constructed of fire-resisting materials and must extend at least three feet (3' 0") above the roof and be covered by a metal frame skylight. Where elevators are arranged in batteries of two or more the enclosures of either first or second class may extend around entire battery without division between individual elevators. The doors of enclosures to passenger elevators to be not wider than the door opening of car, and the door to be made to slide; tracks and sheaves to be securely adjusted in such manner as to prevent door from jumping off the tracks. The door fastenings of all passenger elevators must be operated from inside of enclosures, and no outside latch or fastening of any kind will be

Doors.

allowed, except the lock used by custodian of the elevator, and none of such locks must be fastened during hours the building is open for business, at which time the latches only are to be used for holding the doors closed. The freight elevator doors may be made to open on hinges or slide up and down with weights, or have openings protected with semi-automatic gates. The car of passenger elevators to be framed up and enclosed on all sides except opposite openings or landings, as approved by the Inspector of Buildings. The top of car to be covered with a grille canopy of wrought iron or other metal. The upper panels of passenger cars may be glass or ornamental metal work, provided these panels are three and one-half feet above the floor of car; all the other parts of enclosure must be solid. All window openings to elevator shafts must be protected by guards as directed by Inspector of Buildings.

Framed and enclosed.

Stairway Around Elevator.

Ord. 74, May 10, 1904, Sec. 43G. Ord. 185, January 6, 1905, Sec. 43G.

63. In every building where a stairway shall hereafter be built around an elevator shaft, the elevator shafts and stairs must be separated by a partition of fire-resisting material to extend three feet above the roof, and the shafts must be covered by a skylight with metallic frame.

Stairways.

Overhead Grating.

Ord. 74, May 10, 1904, Sec. 43H. Ord. 185, January 6, 1905, Sec. 43H.

64. In all elevators, except hand-power and dumb-waiters, a metal grille or grating is to be placed immediately below the overhead sheaves and appliances at top of shaft to prevent anything from falling in case of an accident or breakage.

Overhead grating.

Safety Appliances, Etc.

Ord. 74, May 10, 1904, Sec. 43I. Ord. 185, January 6, 1905, Sec. 43I.

65. All elevators or hoists except plunger elevators and sidewalk lifts and vehicle elevators, are to be provided

Safety appliances.

with approved safety devices attached to the bottom of the platforms and so arranged that said safety device will grip the guide from the sides to prevent spreading the latter in case any cable should break or become detached. All elevators hereafter erected or repaired, except dumb-waiters and hand lifts, or elevators used exclusively as freight elevators, shall also be provided with speed governor to operate the safeties in case the cars exceed their fixed speed. Every sidewalk elevator must have substantial guards that will prevent crushing a person between the platform and sidewalk doors. This does not apply to hand-power elevators.

Machinery.

Ord. 74, May 10, 1904, Sec. 43J. Ord. 185, January 6, 1905, Sec. 43J.

Machinery.

66. All parts of the appliances in or about the elevator hatchways shall be strongly constructed and suitable to sustain with safety a load four times the maximum lifting capacity. All hydraulic machines are to be provided with automatic stops and slack cable stop and brakes. All connections in every case are to be securely made, and counterbalance weights are to be secured in suitable frames to prevent any section of same from becoming detached or falling. All sheaves and drums must be made of large diameter and properly grooved for the diameter of cables used.

Repairs to Elevators.

Ord. 74, May 10, 1904, Sec. 43K. Ord. 185, January 6, 1905, Sec. 43K.

Permit for
repairs.

67. No change or alteration in any elevator or machinery, or repairs amounting to one hundred dollars (\$100) or more may be made without first obtaining a permit for the same. In case of emergency, repairs may be made, but the elevator contractor or owner must notify the Inspector of Buildings within forty-eight (48) hours after said work is commenced.

Emergency
repairs.

Operation of Elevators.

Ord. 74, May 10, 1904, Sec. 43L. Ord. 185, January 6, 1905, Sec. 43L.

68. No elevator or hoist can be operated by any person Age of operators. under eighteen years of age. Wherever any violation of this section occurs the proprietor or proprietors are responsible in the penalties named hereinafter; *provided*, however, that this section shall not apply to elevators used in private residences or automatic elevators for private use.

Storage of Materials.

Ord. 74, May 10, 1904, Sec. 43M. Ord. 185, January 6, 1905, Sec. 43M.

69. No explosives, inflammable or suffocating materials Storage of dangerous materials. of any kind shall be stored in any elevator shaft, and such shafts must be kept free and clear for elevator car and machinery.

Signs.

Ord. 74, May 10, 1904, Sec. 43N. Ord. 185, January 6, 1905, Sec. 43N.

70. All signs or posters used as notices as to safe Signs. weights and capacity of elevators must be of uniform size and character as directed by the Inspector of Buildings.

Drawings and Models.

Ord. 74, May 10, 1904, Sec. 43O. Ord. 185, January 6, 1905, Sec. 43O.

71. If required, by the Inspector of Buildings the builder of any elevator must submit drawings or models of elevators Drawings or models to be submitted. or any safety device before attaching or erecting same.

Miscellaneous Elevators.

Ord. 74, May 10, 1904, Sec. 43P. Ord. 185, January 6, 1905, Sec. 43P.

72. If any person, or persons or corporation desire to erect any elevator or hoist of any kind not herein provided for, he, they or it must first obtain a permit for any and all cars, waiters, machinery, tackle, etc, must be subjected to Miscellaneous elevators.

the approval of the Inspector of Buildings, and all power to operate same must be under the supervision and direction of the Inspector of Buildings.

Appeals.

Ord. 74, May 10, 1904, Sec. 43Q. Ord. 185, January 6, 1905, Sec. 43Q.

Appeal may be made.

73. Should the owners, trustee or lessee of any premises where there is an elevator or hoist object to an order or decision of the Inspector of Buildings regarding an elevator or hoist in which they are interested, they may appeal from such order or decision in accordance with section 2 of this Article.

Penalties.

Ord. 74, May 10, 1904, Sec. 43R. Ord. 185, January 6, 1905, Sec. 43R.

Penalties.

74. Any one failing to comply with or in any way violating any of the provisions of this sub-division of this Article shall be subject to a fine of fifty dollars (\$50), and a further sum of ten dollars (\$10) a day for each and every day such non-compliance continues. This section is not to conflict with penalty provided for in section 57 of this Article.

FENCES.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 36.

Partition fences.

75. Where partition fences have been or shall hereafter be erected, in a good and substantial manner, any person or persons who shall make use of, or derive advantage from such partition fence, shall pay the owner one-half part of the value of such fence at the time he or they shall make use thereof or derive advantage therefrom; and provided also, that the cost of any fence shall not exceed sixty cents per linear foot.

Ord. 100, January 15, 1901, Sec. 66A.

76. No board fence, wall or other structures shall be erected, or any sign board placed upon or attached to any

roof or building for advertising purposes of any kind or character, when said signboard is beyond six square feet, without a permit to erect or place the same, said permit to be issued by the Inspector of Buildings. Size of signboards limited.

Ord. 100, January 15, 1901, Sec. 66B.

77. No fence for advertising purposes shall be permitted to be erected above a height of twenty feet adjacent to and fronting upon any of the public streets of the city. Height of fence limited.

Ord. 100, January 15, 1901, Sec. 66C.

78. Any person or persons violating any of the provisions of section 76, shall be subject to a fine of twenty-five dollars (\$25) for each offense and five dollars (\$5) for every day that said violation remains unabated after notice by the Inspector of Buildings to remove the same; any person or persons violating any of the provisions of section 77, shall be subject to the same fines as provided herein for violations of section 76. Fine for violation.

FIRE REGULATIONS.

Fire Proof Shutters.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 40.

79. All stores, store-houses or warehouses, which are more than two stories, or above twenty-five feet in height above the curb level, which may hereafter be built, shall have doors or shutters made of fire-proof material on every window and entrance, when the same do not open on the street. Fire-proof doors.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 41.

80. When in any such building the doors or shutters cannot be put on the outside of such opening, they shall be put upon the inside, and if so placed, shall be hung independently of the woodwork of the window. Outside or inside.

Ord. 75, May 11, 1904, Sec. 42A.

Metal frames,
etc.

81. Where metal frames and sashes glazed with wire glass are used, the requirements as to fire shutters, as set forth in Sections 79 and 80 of this article may be omitted.

Fire Proof Materials Required in Certain Buildings.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 76.

Ord. 211, May 13, 1899.

Floor to be
constructed
fire-proof.

82. In any building hereafter to be erected more than three stories in height, occupied or built to be occupied as a hotel, apartment-house, tenement-house, lodging-house, boarding-house, office building, manufactory or work-shop, the floor above the cellar shall be constructed fireproof, and when the lower part is to be used for business purposes of any kind, the first floor, if there be a cellar below, and a ceiling above the store floor shall be constructed fireproof, and the hall partition and partitions from front to rear, from cellar to top of second floor beams, and the entire stairway shall be built of fireproof material.

Fire Escapes and Alarms.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 78. Ord. 31, April 16, 1895. Ord. 54, March 10, 1904, Sec. 77.

Buildings in
which fire-
escapes are
required.

83. Any dwelling house, now erected or that may be hereafter erected or built, more than two stories in height, occupied or built to be occupied by two or more families on any one floor above the first floor, or any building already erected or that may hereafter be erected, more than two stories in height, occupied as or built to be occupied as a hotel, boarding-house, lodging-house, factory, mill, office, store, manufactory, work shop or other place of business, in which operatives are employed in any of the stories above the first story, shall be provided with such fire-escapes, alarms and doors as shall be directed and approved of by the said Inspector of Buildings, and the owner or owners of any building upon which any fire-escapes may now be or may hereafter be erected shall keep the same in

good repair, and well painted, and no person shall at any time place any obstruction whatsoever upon fire-escapes that are now or may hereafter be erected.

Precautions in Case of Fire.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 79.

Ord. 54, March 10, 1904, Sec. 78.

84. In all buildings of a public character already erected or that may hereafter be erected, such as hotels, churches, theatres, school houses, restaurants, stores railroad depots, public halls, and other buildings used or intended to be used for purposes of public business, amusement or instruction, the halls, doors, stairways and aisles shall be so arranged as to facilitate egress in case of fire or accident, and to afford the requisite and proper accommodation for the public protection in such cases.

Buildings of a
public
character.

Ord. 31, April 16, 1895. City Code, (1893) Art. 7, Sec. 79A.

85. The Board of Fire Commissioners of Baltimore City, or its duly authorized officers or agents are directed and empowered to inspect all buildings mentioned and included in sections 82, 83 and 84 of this Article, to see that the provisions of said sections are complied with, and that no fire-escape or any other provisions for fire protection shall hereafter be erected on or in any such building unless the same be approved by the said Board of Fire Commissioners, who shall enforce the penalty hereinafter provided for all violations of any of the provisions of said sections or of this section.

No fire-escape
to be erected
hereafter
without
approval of
Fire Com-
missioners.

Spark Catchers.

City Code, (1879) Art. 9, Sec. 13. City Code, (1893) Art. 9, Sec. 4.

Ord. 49, April 11, 1900, Sec. 1.

86. All chimneys, smoke-stacks or stove-pipes connected with steam bakeries, steam engines or furnaces, shall be provided, upon personal notice to the owner or agent from the Inspector of Buildings, approved by the Mayor,

Spark-catches to be provided.	with spark-catchers, so as to prevent the cinders from annoying the citizens or endangering the property in the neighborhood, and the Inspector of Buildings shall see that this section is complied with; and, in case of non-compliance, the party offending shall forfeit and pay a fine of twenty
Penalty.	dollars, and ten dollars for each and every day thereafter, until such order shall be obeyed.

FRAME SHEDS AND WOODEN BUILDINGS.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 68.

Permits for sheds.	<p>87. It shall not be lawful for any person to erect a frame shed without obtaining a permit from the Inspector of Buildings, which will be granted under the following conditions: first, the applicant shall pay for the said permit the sum of one dollar, if the superficial area covered by the proposed shed is not to exceed fifty square feet; the sum of two dollars if such area is more than fifty and less than one hundred square feet, and an additional sum of seventy-five cents for each and every fifty or part of fifty square feet of superficial area the said shed shall cover over and above one hundred square feet; second, the shed may be open or enclosed, but in no case shall it be lathed and plastered, or lined with wood, so as to constitute a room to be occupied as an habitation.</p>
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Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 69.

Erection of sheds.	<p>88. Said shed shall not exceed twelve feet in height, nor have any floor or loft between the ground floor and the roof and must not connect with a frame bath-room projecting from an upper story; and special permission for higher sheds for storage or manufacturing purposes may be granted by the Inspector of Buildings, with the sanction of the Mayor, upon payment of the rates mentioned in section 87, provided the application shall be advertised three times in three different daily papers before permits for such sheds shall be issued.</p>
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Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 70.

89. Said sheds shall not be erected within five feet of any similar construction composed wholly or partly of wood, unless the side of said shed facing such structure shall be covered with fire-proof material, and in no case shall the distance dividing said structures be less than three feet.

Protection of
sheds from
fire.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 71.

90. Such sheds shall not be used for stables without the consent of the adjoining property owners, and all permits granted for the erection of frame sheds may be revoked, and the shed shall be removed within thirty days after notice from the Mayor.

Sheds, when
not to be
used as
stables.

Ord. 116, July 18, 1895.

91. All frame sheds now erected, or hereafter to be erected, may be lathed and plastered or lined with wood on the inside; provided, however, that a permit for same be first obtained from the Inspector of Buildings, and the work shall be done under his direction.

When frame
buildings
may be
lathed and
plastered.

Wooden and Frame Buildings Damaged by Fire.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 74.

92. Every wooden or frame building with a brick or other front, which may hereafter be damaged by fire or otherwise to an amount not greater than one-half the value thereof, may be repaired and rebuilt; but if such damage, in the opinion of the Inspector of Buildings, shall exceed one-half of the value of the building, exclusive of the foundations, then such building shall not be rebuilt, but shall be taken down; when any owner or lessee of such building shall object to the order or decision of the Inspector of Buildings requiring such building to be taken down, he may appeal therefrom as provided by section 2 of this Article and the amount and extent of such damage shall be determined by a commission, as defined in section 2 of this

Rebuilding
wooden
buildings.

Article ; until a decision is rendered and reduced to writing and sworn to, such building shall in no manner be repaired or rebuilt, and such decision shall be final and conclusive.

HEIGHT OF BUILDINGS, STORIES AND WALLS.

Height of Walls.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 30.

Height, how
computed.

93. The height of all walls shall be computed from the kerb level in front of the building and if there is a grade, the height shall be computed from the average level of such grade.

Limiting Height of Buildings.

Ord. 59, March 18, 1904. Ord. 212, May 16, 1899. Ord. 100,
June 17, 1904, Sec. 2.

Height of
buildings
restricted.

94. No building or buildings shall be hereafter erected over eighty-five feet in height from the established street level, unless the same are of fire-proof construction.

Ord. 100, June 17, 1904.

Definition of
fire-proof
construction.

95. Fire-proof construction means that the building shall consist of non-combustible structural materials throughout, with floors constructed of iron and steel beams, rods, cables or sheet metal in approved combination with other non-combustible materials, except that wood may be used for sub- and surface-floors, window and door frames, sashes, doors, standing finish, such as architraves or trim, hand-rails for stairs, necessary sleepers bedded in concrete or other approved non-combustible material, and for isolated furring blocks bedded in the plaster. There shall be no air space behind or surrounding any wood work.

Ord. 59, March 18, 1904, Sec. 3.

Extreme
height of
buildings.

96. No buildings of any character shall be erected over one hundred and seventy-five feet in height from the established street level.

Ord. 212, May 16, 1899. Ord. 59, March 18, 1904. Ord. 100, June 17, 1904, Sec. 6.

97. The Inspector of Buildings, will not permit the erection of any buildings higher than eighty-five feet, unless the material used in such construction shall have been approved by him as fireproof, where fireproof is required under the definition above given of a fireproof building.

Inspector of Buildings to have authority to determine whether construction is fire-proof.

Ord. 59, March 18, 1904, Sec. 7.

98. The provisions of sections 94 and 97 of this Article shall apply to all buildings now existing where application is made to add to their height.

Increasing height of existing buildings.

Ord. 146, October 23, 1891. City Code (1893) Art. 7, Sec. 65.

99. Whenever the owner of any lot of ground is desirous of improving the same by the erection of a new building or buildings thereon, the Inspector of Buildings may, in his discretion, permit the owner of such lot to put up a wooden shed on the same or neighboring lot for the use of the mechanics employed on said building while preparing their work ; provided, however, that such permission, shall not extend to a longer time than until the building proposed to be erected shall be entirely finished, at which time the owner or owners of the lot on which such shed has been put up, shall cause it to be taken down and removed.

Temporary sheds for mechanics.

Ord. 146, October 23, 1891. City Code (1893) Art. 7, Sec. 73.

100. If any building shall have been built before the street upon which it is located is graded, or if the grade is altered, it may be raised or lowered to meet the requirements of the grade, and no wooden building shall be removed from one lot to another without the written consent of said Inspector of Buildings first obtained therefor, and the consent of the owners of the property adjoining the site to which it is to be removed.

Lowering, raising and removal of buildings.

Height of Stories.

Ord. 146, October 23, 1891. City Code (1893) Art. 7, Sec. 18.

Height of
stories.

101. The height of stories for all given thicknesses of walls must not exceed eleven feet in the clear for basement, eighteen feet in the clear for the first story, fifteen feet in the clear for the second story, fourteen feet in the clear for the third story, fourteen feet in the clear for the fourth story and fourteen feet in the clear average height of upper story, and if any story exceeds these heights, respectively, the walls of such story and all the stories below the same shall be increased four inches in thickness additional to the thickness already mentioned.

Encroachments.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 11.

Removal of pro-
jecting foun-
dation wall

102. Where a foundation wall or other obstructions project beyond division wall, or encroach upon adjoining property, upon proper notice from the Inspector of Buildings having been given, they are to be removed within ten days, by the owner or owners of the buildings of which they form a part, unless the time be extended by the Inspector of Buildings.

IRON AND STEEL CONSTRUCTION.*Columns, Piers, Pillars and Posts.*

City Code, (1893) Art. 7, Sec 15. Ord. 63, March 21, 1904.

Fireproof pro-
tection for
iron or steel
columns.

103. Where columns are used to support iron or steel girders carrying enclosure walls, the said columns shall be of cast iron, wrought iron or rolled steel, and on their outer and inner surfaces be constructed to resist fire by having a casing of brick work or approved fireproof material not less than nine inches in thickness on the outer surfaces, nor less than four inches in thickness on the inner surfaces, and all bonded into the enclosure walls. The sides of the iron or steel girders shall be similarly covered in with brick-work or fireproof material not less than four

inches in thickness on the outer surfaces and tied and bonded, but the extreme outer edge of the flanges of beams or plates or angles connected to the beam, may project to within two inches of the outside surface of the casing. The inside surfaces of girders shall be similarly covered, or, if projecting inside of the wall, they may be protected by terra cotta, concrete or other fireproof material. Girders for the support of the enclosure wall shall be placed at the floor line of each story. No part of a steel or wrought iron column shall be less than one-quarter of an inch thick. No wrought iron or rolled steel column shall have an unsupported length of more than forty times the least lateral dimension or diameter, except as modified by this Article, and also except in such cases as the Inspector of Buildings may especially allow a greater unsupported length. The ends of all columns shall be faced to a plane surface at right angles to the axis of the columns, and the connection between them shall be made with spliced plates. The joint may be effected by rivets of sufficient size and number to transmit the entire stress, and then the spliced plates shall be equal in sectional area of column applied. When the section of the columns to be spliced is such that spliced plates cannot be used, a connection of plates and angles may be used designed to properly distribute the stress. No material shall be used in any wrought iron or steel column of less thickness than one-thirty-second of its unsupported width measured between centers of rivets transversely, or one-sixteenth the distance between centers of rivets in the direction of the stress. Stay-plates are to have not less than four rivets, and are to be spaced so that the ratio of strength by the least radius of gyration of the parts connected does not exceed forty. The distance between nearest rivets of two stay-plates shall, in this case, be considered as length. Steel and wrought iron columns shall be made in one, two and three story lengths, and the materials shall be rolled in one length wherever practicable to avoid intermediate splices. Where any part of the section of a column projects beyond that of the column below, the difference shall be made up by filling plates, secured to column by the proper number of rivets.

Protection for
girders in en-
closure walls.

Specifications
for steel con-
struction.

Diameter and
thickness of
cast-iron
columns.

Core of
columns.

Blow-holes or
imperfec-
tions.

Shoes of iron or steel, as described for cast iron columns, or built shoes of plates and shapes may be used, complying with the same requirements. Cast iron columns shall not have a less diameter than five inches or less thickness than three quarters of an inch; nor shall they have an unsupported length of more than twenty times their least lateral dimensions of diameter, except as modified by this Article, and except the same may form part of an elevator inclosure or staircase. All cast iron columns shall be of good workmanship and material. The top and bottom flanges, seats and lugs shall be of ample strength, reinforced by fillets and brackets. They shall be not less than one inch in thickness when finished. All columns must be faced at the ends to a true surface perpendicular to the axis of the column. Column joints shall be secured by not less than four bolts, each not less than three-quarters of an inch in diameter. The holes for these bolts shall be dulled to a template. The core of a column below a joint shall not be larger than the core of the column above, and the metal shall be tapered down for a distance of not less than six inches, or a joint plate may be inserted of a sufficient strength to distribute the load. The thickness of metal shall be not less than one-twelfth the diameter of the greatest lateral dimensions of cross section, but never less than three-quarters of an inch. Wherever the core of a cast iron column has shifted more than one-fourth the thickness of the shell, the strength shall be computed, assuming the thickness of metal all around, equal to the thinnest part, and the columns shall be condemned if this computation shows the strength to be less than required by these regulations. Wherever blow-holes or imperfections are found in a cast iron column which reduces the area of the cross-section at that point more than ten per cent, such column shall be condemned. Cast iron posts or columns not cast with one open side or back, before being set up in place, shall have a three-eighths of an inch hole drilled in the shaft of each post or column by the manufacturer or contractor furnishing the same, to exhibit the thickness of the casting, and any other similar sized hole or holes which the Inspector of Buildings may

require shall be drilled in the said posts or columns by the said manufacturer or contractor at his own expense. Iron or steel shoes or plates shall be used under the bottom tier of columns to properly distribute the load on the foundation. Shoes shall be planed on top. In all buildings erected or altered, where any iron or steel column or columns are used to support a wall or part thereof, whether the same be an exterior or an interior wall, and columns located below the level of the sidewalk which are used to support exterior walls or arches over vaults, the said column or columns shall be either constructed double, that is, an outer and inner column, the inner column alone to be of sufficient strength to sustain safely the weight to be imposed thereon, and the outer columns shall be one inch shorter than the inner columns, or such other iron or steel columns of sufficient strength, and protected with not less than two inches of fireproof material securely applied, except that double or protected columns shall not be required for walls fronting on streets or courts.

Double col
umns to meet
exigencies.

City Code, (1893) Art. 7, Sec. 15A. Ord. 63, March 21, 1904.

104. Iron or steel posts or columns with one or more open sides and backs shall have solid iron plates on top of each, excepting where pierced for the passage of pipes. Rivets in flanges shall be spaced so that the least value of a rivet for either shear or bearing, is equal or greater than the increment strain due to the distance between adjoining rivets. All other rules given under riveting shall be followed. The compression flange of plate girders shall be secured against buckling if its length exceeds thirty times its width. If splices are used, they shall fully make good the members spliced in either tension or compression. Stiffeners shall be provided over supports and under concentrated loads. They shall be of sufficient strength as a column to carry loads and shall be connected with a sufficient number of rivets to transmit the stresses into the web plate. Stiffeners shall fit so as to support the flanges of the girders. If the unsupported depth of the web plate exceeds sixty times its thickness, stiffeners shall be used

Rivets, splices,
etc.

at intervals not exceeding one hundred and twenty times the thickness of the web. When rolled steel or wrought iron beams are used in pairs to form a girder they shall be connected together by bolts and iron separators at intervals of not more than five feet. All beams twelve inches and over in depth shall have at least two bolts to each separator.

Bolts for beams
used in pairs.

Lintels.

City Code, (1893) Art. 7, Sec. 15B. Ord. 63, March 21, 1904.

Lintel bear-
ings.

105. When the lintels or girders are supported at the ends by brick walls or piers they shall rest upon cut granite or bluestone blocks at least ten inches thick, or upon cast iron plates of equal strength by the full size of the bearings. In case the opening is less than twelve feet, the stone blocks may be five inches in thickness, or cast iron plates of equal strength by the full size of the bearings may be used ; provided, that in all cases the safe loads do not exceed those fixed by this Article.

Floor or Roof Beams.

City Code, (1893) Art. 7, Sec. 15C. Ord. 63, March 21, 1904.

Floor and roof
beams.

106. All rolled steel and wrought iron floor and roof beams used in buildings shall be of full weight, straight, and free from injurious defects. Holes for tie rods shall be placed as near the thrust of the arch as practicable. The distance between tie rods in floors [shall not exceed eight feet, and shall not exceed eight times the depth of floor beams twelve inches and under. Channels or other shapes, where used as skewbacks, shall have a sufficient resisting movement to take up the thrust of the arch. Bearing plates of stone or metal shall be used to reduce the pressure on the wall, to the working stress. Beams resting on girders shall be securely riveted or bolted to the same. Where joined on a girder, tie straps of one-half inch net sectional area shall be used, with rivets or bolts to correspond. Anchors shall be provided at the ends of all such beams bearing on walls, as required by this Article.

City Code, (1893) Art 7, Sec. 15D. Ord. 63 March 21 1904.

107. All iron or steel trimmer beams, headers and tail beams shall be suitably framed and connected together, and all other iron work of all floors and roofs shall be strapped, bolted, anchored and connected together and to the walls. All beams framed into and supported by other beams or girders shall be connected thereto by angles or knees at a proper size or thickness, and have sufficient bolts or rivets in both legs of each connecting angle to transmit the entire weight or load coming on the beam to the supporting beam or girder. In no case shall the shearing value of the connection angles be less than provided for in this Article.

Iron or steel trimmer beams.
Framed beams.

Rivets and Riveting.

City Code, (1893) Art. 7, Sec. 15E. Ord. 63, March 21, 1904.

108. The distance from center of a rivet hole to the edge of the material shall be not less than :

Distance of rivet holes from edge of material.

- $\frac{5}{8}$ of an inch for $\frac{1}{2}$ inch rivets.
- $\frac{7}{8}$ of an inch for $\frac{5}{8}$ inch rivets.
- $1-\frac{1}{8}$ of an inch for $\frac{3}{4}$ inch rivets.
- $1-\frac{3}{8}$ of an inch for $\frac{7}{8}$ inch rivets.
- $1-\frac{1}{2}$ of an inch for 1-inch rivets.

Wherever possible, however, the distance shall be equal to two diameters. All rivets, wherever practicable, shall be machine driven. The rivets in connections shall be proportioned and placed to suit the stresses. The pitch of rivets shall never be less than three diameters of the rivet nor more than six inches. In the direction of the stress it shall not exceed sixteen times the least thickness of the outside member. At right angles to the stress it shall not exceed thirty-two times the least thickness of the outside member. All holes shall be punched accurately, so that, upon assembling, a cold rivet will enter the hole without straining the material by drifting. Occasional slight errors shall be corrected by reaming. The rivets shall fill the holes completely. The heads will be concentric with the

axis of the rivet. Gussets shall be provided wherever required of sufficient thickness and size to accommodate the number of rivets necessary to make the connection.

Bolts.

City Code, (1893) Art. 7, Sec. 15F. Ord. 63, March 21, 1904.

Bolt connections.

109. Where riveting is not practicable or possible, connections may be effected by bolts. These bolts shall be of wrought iron or mild steel, and they shall have United States standard threads. The threads shall be full and clean; the nut shall be truly concentric with the bolt, and the thread shall be of sufficient length to allow the nut to be screwed up tightly. When bolts go through bevel flanges, bevel washers to match shall be used, so that head and nut of bolt are parallel. When bolts are used for suspenders, the working stress shall be reduced for wrought iron to ten thousand pounds, and for steel to fourteen thousand pounds per square inch of net area, and the load shall be transmitted into the head or nut by strong washers distributing the pressure evenly over the entire surface of the same.

Trusses.

City Code, (1893) Art. 7, Sec. 15G. Ord. 63, March 21, 1904.

Determining stresses on trusses.

110. Trusses shall be of such design that the stresses in each member can be calculated. All trusses shall be held rigidly in position by efficient systems of lateral and sway bracing, struts being spaced so that the maximum limit of length to least radius of gyration, as hereinbefore established, is not exceeded. Any member of a truss subjected to transverse stress, in addition to direct tension or compression, shall have the stresses causing such strain added to the direct stresses coming on the member, and the total stresses thus formed shall in no case exceed the working stresses stated in this article. For tension members the actual net area only, after deducting rivet holes one-eighth inch larger than the rivets, shall be considered.

as resisting the stress. If tension members are made of angle irons riveted through one flange only, only that flange shall be considered in proportioning areas, rivets to be proportioned as heretofore prescribed in this section; if the axis of two adjoining web members do not intersect within the line of the chords, sufficient area shall be added to the chord to take up the bending strains. No bolts shall be used in the connections of riveted trusses, excepting when riveting is impracticable, and then the holes shall be drilled or reamed.

Bolting riveted trusses.

City Code, (1893) Art. 7, Sec. 15H. Ord. 63, March 21, 1904.

111. The bending stresses on pins shall be limited to twenty thousand pounds for steel and fifteen thousand pounds for iron. All compression members in pin-connected trusses shall be proportioned, using seventy-five per cent. of the permissible working stress for columns. The heads of alloy bars shall be made by upsetting or forging. No welded will be allowed in the body of the bar. Steel eye bars shall be annealed. Bars shall be straight before boring. All pin holes shall be bored true, and at right angle to the axis of the members, and must fit the pin within one thirty-second of an inch. The distances of pin holes from center to center for corresponding members shall be alike, so that when piled upon one another pins will pass through both ends without forcing. Eyes and screw ends shall be proportioned so that upon test to destruction, fracture will take place in the body of the member. All pins shall be accurately turned. Pin plates shall be provided wherever necessary to reduce the stresses on pins to the working stresses prescribed. These pin plates shall be connected to the members by rivets of sufficient size and number to transmit the stresses without exceeding working stresses. All rivets in members of pin plates which are necessary to transmit stress shall also be machine driven. The main connections of members shall be made by pins; other connections may be made by bolts. If there is a combination of riveted and pin-connected members in one truss, these members shall comply with

Pin-connected trusses.

Pins and pin holes.

Pin plates.

the requirements of pin-connected trusses, but the riveting shall comply with the requirements of section 110 of this Article and all other requirements hereof relative thereto.

Structural Iron and Steel.

City Code, (1893) Art. 7, Sec. 15 I. Ord. 63, March 21, 1904.

112. All cast iron or metal fronts shall be backed up or filled in with masonry, stone or other cinder concrete of the thickness provided for in this Article. All structural metal work shall be cleaned of all scale, dirt and rust and be thoroughly coated with one coat of paint. Cast iron columns shall not be painted until after inspection by the Inspector of Buildings. Where surfaces in riveted work come in contact they shall be painted before assembling. After erection, all work shall be painted with at least one additional coat. All iron or steel used below water level shall be enclosed with concrete to exclude the air and water to the satisfaction of the Inspector of Buildings. Party walls in such construction shall be built as hereinafter provided in this Article.

LOADS ON FLOORS, WEIGHTS AND STRAINS

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 57.

113. Where stud partitions are parallel with the joists, the joists supporting them are to be doubled in all cases, and shall be placed not more than sixteen inches from centre to centre, and must be all properly bridged, and all joists that are used must be sound and well seasoned.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 58.

114. In all stores, warehouses and factories, hereafter to be erected, the weight that each floor will safely sustain upon each superficial foot shall be estimated by an architect or builder thereof, with the date thereof, and be posted by the owner in a conspicuous place on each floor thereof, the said calculation to consider in all cases the beams as loaded in the centre.

Schedule of Safe Weights.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 59. Ord. 75, May 11, 1904.

115. The schedule set forth in this section shall be the minimum allowance for safe weights of materials and construction used in the various classes of buildings erected or to be erected in the City of Baltimore. Schedule of
safe weights.

1. The "live load" shall consist of all "loads" other than those due to the weight of materials entering into the permanent structure. Live load to
consist of.

2. The minimum "live loads" for floors of different classes of buildings shall be as follows: Minimum live
loads.

Dwellings, 60 lbs. per square foot.

Dwellings,
hotels, etc.

Lodging houses, apartment houses, tenements, hotels, etc., 60 lbs. per square foot.

Office buildings: (a) Concentrated load on 6 sq. ft. at any place, 1,500 lbs. per square foot. (b) Uniformly distributed load, 75 lbs. per square foot. Office
buildings,
theatres,
churches, etc.

Public assembly rooms, churches theatres, schools, with fixed seats, 75 lbs. per square foot.

Assembly rooms, without fixed seats, ball rooms, gymnasiums, armories, etc., 125 lbs. per square foot.

Stables and carriage houses, 100 lbs. per square foot.

Stables,
factories,
stores, etc.

Light manufactories, retail stores and light storehouses, 125 lbs. per square foot.

Heavy storehouses, warehouses, factories, 175 lbs. per square foot.

Sidewalks, 200 lbs. per square foot.

3. The floors shall be designed to carry the actual weight of such heavy pieces of machinery, boilers, or concentrated loads which will be placed thereon, but in no case shall the live loads be taken less than given above. In case of structures carrying traveling machinery, such as cranes, conveyors, etc., 25 per cent. shall be added to the maximum Floors.

weight intended to be carried, in order to provide for effects of impacts and vibrations.

Columns and
foundations
of buildings.

4. For columns and foundations of buildings over five stories in height, the live loads given in sub-division 2 may be reduced as follows, storage warehouses and factories excepted:

(a) Top floor, no reduction.

(b) For each succeeding lower floor a reduction of 5 per cent. until 50 per cent. is reached. This 50 per cent. is to be used for each remaining floor.

Wind pressure.

5. A wind pressure of 30 lbs. per square foot shall be assumed as acting horizontally in either direction on the exposed surfaces of the sides or ends of buildings.

Ordinary roofs.

6. Ordinary roofs, spans 50 feet and under, shall be proportioned to carry the following loads per square foot of exposed surfaces, applied vertically, to provide for dead and live loads combined:

Roofing,
sheathing,
slate, etc.

(a) Gravel or composition roofing on boards, 45 lbs.; on 3-inch tile or concrete, 55 lbs.

(b) Corrugated iron sheeting, on boards or purlins or tin, 40 lbs.

(c) Slate, on boards, 50 lbs.; on 3-inch flat tile or concrete, 65 lbs.

(d) Tile, or steel purlins, 55 lbs.

Large roofs.

7. Large roofs, such as train sheds, armories, public halls, etc., with spans over 50 feet, shall be proportioned to carry, in addition to the dead load.

(a) A live load of 15 lbs. per square foot for all slopes under 35 feet.

(b) A live load of 10 lbs. per square foot for all slopes between 35 feet and 45 feet.

(c) A horizontal wind pressure of 30 lbs. per square foot of the vertical projection of the exposed surface.

Ord. 75, May 11, 1904, Sec. 59A.

116. The owner or owners of any property in which goods of any kind are stored or kept for sale, or any weights imposed other than ordinary furniture, shall have posted in a conspicuous place the maximum safe load that may be allowed. Said strengths to be computed by some competent person whose name must be attached to the poster, and the owner to be held as the responsible person in case of accident from underestimated capacities.

Owners shall post maximum safe load allowed.

Safes, Machinery and Weights.

Ord. 63, March 21, 1904, Sec. 27A.

117. No safes, machinery or other weights can be placed upon any floor of any building without first obtaining a permit from the Inspector of Buildings.

Placing of heavy weights on floors.

Ord. 146, October 23, 1891. City Code. (1893) Art. 7, Sec. 60.

118. In all calculations of the strength of materials to be used in any building, the proportion between the safe weight and breaking weight shall be as one to four for all beams, girders and other parts subjected to a cross strain, and shall be as one to six for all posts, columns and other vertical supports, as also, for all tie rods, tie beams, and other parts subjected to a tensile strain, and the requisite dimensions of each piece of material are to be ascertained by computation by the rules of standard authors on the strength of materials, using for constants in the rules only such numbers as have been reduced from actual experiments on materials of like kinds with that proposed to be used.

Proportion between safe weight and breaking weight.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 61.

119. Before any iron column, post, beam, lintel or girder intended to support a wall built of brick or stone, or any floor or part thereof, or to span any opening over eight feet in length, in any building hereafter to be erected or altered, shall be used for that purpose, the manufacturer

Manufacturers of girders, etc., to stamp safe capacity thereon.

or founder thereof shall have the same computed as in section 118, and shall have the weight that each of the said columns, posts, beams, lintels or girders will safely sustain properly stamped or cast, in a conspicuous place thereon, together with the name of the said manufacturer or founder; and no greater weight shall be placed upon any column, post, beam, lintel or girder than the same shall be so marked as being capable of sustaining.

NUMBERING HOUSES.

City Code, (1879) Art. 7, Sec. 22. City Code, (1893) Art. 7, Sec. 95.
Ord. 59, July 10, 1897

Relating to
errors or
irregularities
in number-
ing.

120. It shall be the duty of the Inspector of Buildings when any error or irregularity exists in the numbering of houses or other buildings, or when they are without numbers, in any street, lane, court or alley in the City of Baltimore, to notify the owner or owners of said house or other building of said error or irregularity in, or said absence of a number, and he shall further notify and designate to said owner or owners what the correct number of said house or other building shall be; no builder, owner, occupier or other person shall place a number on any new building, or alter the number of any old building, until the Inspector of Buildings shall have designated what the correct number of such building shall be; should any owner or owners of any house or other building fail to affix a number plate containing the correct number of said house or other building, as ordered by the Inspector of Buildings, upon the front of said house or other building so that same can be read from the highway, within ten days after receiving said notice, he, or they, shall be subject to a penalty of ten dollars (\$10) for each offence; and to an additional fine of five dollars (\$5) for every day that such violation shall continue; and any person or persons failing to comply with any of the requirements herein contained, or who may violate any of the provisions of this section, shall be subject to a like penalty of ten dollars (\$10) for each offence, and to an additional fine of five dollars (\$5) for every day that such failure or violation shall continue.

Penalty.

ROOFS, CORNICES AND SCUTTLES.*Roofs.*

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 63.

121. The planking and sheathing of the roof of every building hereafter to be erected or altered, as aforesaid, shall in no case be extended across the front, rear, side, end or division wall thereof, and every such building, and the tops and sides of every dormer window thereon, shall be covered with slate, tin, zinc, iron, copper, or such other equally fire-proof material as the Inspector of Buildings, under his certificate, may authorize, and the outside of every dormer window hereafter placed upon any building, as aforesaid, shall be made of some fire-proof material, and wooden buildings which shall require roofing shall not be roofed with any other roof covering except as aforesaid. Nothing in this section shall be construed to prohibit the repairing of a shingle roof, provided the repairs do not amount to over one-half of the value of said roof, in which case the whole must be replaced with some fire-proof material. All buildings shall be kept provided with proper metallic leaders for conducting water from the roof to the ground, gutters or sewers, in such manner as shall protect the walls and foundation from damage.

Construction
of roofing.

Scuttles.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 64.

122. All buildings hereafter to be built shall have scuttle frames and covers, or bulkheads and doors, and be covered with some fire-proof material, to open outward; and scuttles shall have stationary ladders leading to the same, and all such scuttles and ladders shall be kept so as to be ready for use at all times; all scuttles shall be in size of opening at least two (2) feet by three (3) feet, and if a bulkhead is used in any building in place of a scuttle, it shall have stairs with a sufficient guard or hand rail leading to the roof, and in case the building be a tenement house, the doors or covers to scuttles or bulkheads shall at no time be locked, but may be secured by bolts or hooks on the inside.

Exits through
roofs, etc.

Cornices and Gutters.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 62.

Exterior
cornices and
gutters to be
fireproof.

123. All exterior cornices and gutters hereafter erected shall be of some fire-proof material, and in every case, except where sheet metal is used, the greatest weight of the material of which the cornice shall be constructed, shall be on the inside of the outer line of the wall, allowance being made for the leverage produced by the projection of the cornice beyond the face of the wall, and in all cases the walls shall be carried up to the upper side of roof planking, and where the cornice projects above the roof, the wall shall be carried to the top of the cornice; and all exterior wooden cornices that may now be, or shall hereafter become unsafe, shall be taken down, and if replaced, shall be constructed of some fire-proof material. All exterior wooden cornices or gutters that may hereafter be damaged by fire or by decay to the extent of one-half the value thereof, shall be taken down, and if replaced shall be constructed of some fire-proof material; but if not damaged to this extent, may be repaired with the same material of which originally constructed.

Metal cornices
to balance
within
wall.

Wooden
cornices
damaged by
fire.

Ord. 59, March 18, 1904.

Metal cornices;
look-outs for.

124. "Look-outs" for all metal cornices shall be of metal.

SANITARY AND HYGIENIC REGULATIONS

Tenement, Lodging and Apartment Houses.

Ord. 79, June 4, 1886. City Code, (1893) Art. 23, Sec. 26.

Rooms in
tenement or
lodging
houses.

125. Every house or building which is used, occupied, leased or rented for a dwelling, tenement or lodging-house shall have in every room which is occupied as a sleeping room, and which does not communicate directly with the external air, a ventilating or transom-window, having an opening or area of three (3) square feet over the door leading into and connected with the adjoining room, if such

adjoining room communicates with the external air, and also a ventilating or transom-window of the same opening or area communicating with the entry or hall of the house, or, where this is, from the relative situation of the rooms, impracticable, such last-mentioned ventilating or transom-window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof at the top of the hall an adequate and proper ventilator of a form approved by the Inspector of Buildings and the Commissioner of Health.

Ord. 79, June 4, 1886. City Code, (1893) Art. 23, Sec. 27.

126. The roof of every such house shall be kept in good repair, so as not to leak ; and all rain-water shall be so drained or conveyed therefrom as to prevent its dripping on the ground or causing dampness in the walls, yards or areas. Roofs of such houses.

Ord. 79, June 4, 1886. City Code, (1893) Art. 23, Sec. 28.

127. Every dwelling, tenement or lodging-house shall be provided with good and sufficient privies or water-closets ; such privies or water-closets shall not be less in number than one to every twenty occupants of said house ; but privies and water-closets may be used in common by the occupants of any two or more houses ; provided the access is convenient and direct, and provided the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water-closet. No privy-well shall be allowed in or under or connected with any such house, except when it is unavoidable and in such case it shall be constructed in such situation and such manner as the Commissioner of Health may direct ; it shall, in all cases, be water-tight, and so constructed that no offensive smell or gases shall be allowed to escape therefrom ; the yard or area shall be so graded that all water from the roof or otherwise shall flow freely from it and all parts of it into the street gutter. Privies in such houses.

Ord. 79, June 4, 1886. City Code, (1893) Art. 23, Sec. 29.

Sleeping rooms
three feet
above side-
walk.

128. No owner or owners or lessee of any building shall rent, let, hire out, or allow to be used as or for a place of sleeping or residence any portion or apartment of any building which portion or apartment has not at least three feet of its height and space above the level of every part of the sidewalk and kerb-stone of any adjacent street, nor of which the floor is damp by reason of water from the ground, or which is impregnated or penetrated by any offensive gas, smell, or exhalation prejudicial to health; but this section shall not prevent the leasing, renting or occupancy of cellars or rooms less elevated, than aforesaid, and as a part of any building rented or let when they are not let or intended to be occupied or used by any person as a sleeping apartment.

Damp floor.

Ord. 79, June 4, 1886. City Code, (1893) Art. 23, Sec. 30.

No over-crowd-
ing.

129. No owner, lessee, or keeper of any tenement, boarding or lodging-house shall cause, or allow the same to be over-crowded, or cause or allow too great a number of persons to dwell, be, or sleep in any such house, or portion thereof, as thereby to cause any danger or detriment to life or health.

Sinks and Cesspools.

Res. 142, May 4, 1882. City Code, (1893) Art. 7, Sec. 111.

Sinks of public
schools.

130. The duty of emptying and cleaning the sinks attached to the public schools in the City of Baltimore, heretofore imposed upon and under the control of the Health Department, is hereby transferred to the Inspector of Buildings.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 83.

Cesspools.

131. Every well used as a cesspool shall be covered with stone not less than four (4) inches thick, or with iron not less than one (1) inch thick, and shall be at least six feet deep, and walled up with brick or stone, well and

satisfactorily built; when said well is used as a privy it shall be covered the full length and width of the floor of such privy with material and thickness as above stated, and in all cases said wells or privies shall be water-tight.

Wooden Buildings Below Street Level.

City Code, (1879) Art. 23, Sec. 29. City Code, (1893) Art. 23, Sec. 45.

132. All wooden buildings that are now or may hereafter be below the level of the brick pavements or streets, shall be raised up and underpinned with brick or stone, and all persons refusing or neglecting to obey the directions of the Commissioner of Health in the premises, shall forfeit and pay a penalty not exceeding twenty dollars, and five dollars for each and every day during the continuance of such neglect or refusal; provided he, she or they, receive one month's notice from the Commissioner of Health to complete the same.

Wooden
buildings to
be raised up.

SIDEWALKS.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 82.

133. All sidewalks shall have a fall towards the kerbstone, said fall not to exceed one-half ($\frac{1}{2}$) inch to one foot, and the sidewalk at the kerb not to be raised more than one-half ($\frac{1}{2}$) inch above the kerb.

Sidewalks,
grading of.

City Code, (1879) Art. 7, Sec. 35. City Code, (1893) Art. 7, Sec. 103.

Ord. 116, July 18, 1895. Sec. 1.

134. It shall not be lawful for any person to erect an awning without first obtaining a permit for same from the Inspector of Buildings, for which permit the applicant shall pay the sum of four dollars (\$4).

Permit from
Inspector of
Buildings
required.

STABLES.

City Code, (1879) Art. 8, Sec. 38. Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 81. City Code, (1893) Art. 8, Sec. 39.

135. No person or persons or body corporate shall hereafter erect, or cause to be erected, or alter, or cause

Livery stables.

to be altered, or occupy or use any building for a stable, for the keeping of horses, carriages and wagons, commonly known as a club, livery, hiring, sale or exchange stable within the city limits, without first obtaining the consent of the Mayor and City Council of Baltimore; no building which is now occupied or may hereafter be occupied as such shall be altered or enlarged, without the consent of the Mayor and City Council of Baltimore first having been obtained.

Consent of
M. & C. C.
of Baltimore
necessary.

City Code, (1879) Art. 8, Sec. 39. City Code, (1893) Art. 8, Sec. 40.

Publication
of appli-
cation.

136. Notice of all applications for permission to erect livery, hiring or sale stables, or to alter buildings to be used for that purpose within the city limits, shall be inserted three times a week in two or more of the daily newspapers published in the city of Baltimore, two weeks previously to making such application.

City Code, (1879) Art. 8, Sec. 40. City Code, (1893) Art. 8, Sec. 41.

Penalties.

137. For any and every violation of the provisions of the two next preceding sections, the party or parties so violating, shall forfeit and pay the sum of two hundred dollars, and a further sum of fifty dollars, for each and every week thereafter until the stable or stables so erected or altered shall be removed outside of the city limits, torn down, or ceased to be used for that purpose; the said fines and forfeitures to be recovered as other fines and forfeitures are now recoverable.

STEAM, GAS AND GASOLINE ENGINES AND MACHINERY.

Ord. 26. March 29, 1881. City Code, (1893) Art. 7, Sec. 106. Ord. 97, December 24, 1900.

Motive power
may be
installed in
buildings.

138. The Inspector of Buildings, with the Mayor's approval, is hereby authorized and empowered to grant a permit to any person or persons applying to place a steam power boiler or engine, and machinery operated by steam power, gas, gasoline or any other motive power of any kind whatever in his, her or their premises upon complying with the provisions of this sub-division of this Article.

City Code, (1879) Art. 7, Sec. 46. City Code, (1893) Art. 7, Sec. 107.
Ord. 97, December 24, 1900. Ord. 92, June 13, 1904.

139. Before any permit shall be granted, application Permit. must be made to the Inspector of Buildings, the said application to be made by the person or persons or corporation, on blanks which will be furnished at the office of the Inspector of Buildings. In filling out said application, a full description of the premises in or on which it is to be placed, used or attached shall be given, and the applicant or applicants shall also state the character of machinery to be placed therein, with its power specifically designated, and shall also answer all the questions which may be set forth upon the blank as furnished by the Inspector of Buildings.

Ord. 92, June 13, 1904. Sec. 107A.

140. If the said application describes the power of the proposed boiler as being of sufficient capacity to run an engine, dynamo or other machinery of more than twenty horse-power, there shall be attached to said application, in addition to the matters above set forth, the following affidavit, sworn to by the person or persons, or corporation who are to own, lease or control the said machinery, before a justice of the peace or notary public of the State of Maryland, in and for Baltimore City: "I hereby make oath that during the time when the machinery described in the above application is in regular use, it shall be always in the actual charge of a competent engineer." Affidavit, when required with permit.

City Code, (1879) Art. 7, Sec. 47. City Code, (1893) Art. 7, Sec. 108.
Ord. 97, December 24, 1900.

141. The Inspector of Buildings shall have inserted in one daily paper three times within the period of one week, notice of said application, naming a day and hour therein previous to which written protests or complaints may be filed. Should no written protests or complaints be received, the Inspector of Buildings, after being satisfied that all conditions are favorable, shall issue the permit, after signing it himself, and having the Mayor's approval indorsed upon it. Publication of application.
Protest may be filed.

Should any written protest be filed, the Inspector of Buildings shall investigate the same, and if in his opinion, the objections are not well taken, he may, in the exercise of his discretion, grant the permit for the same, with the Mayor's approval, notwithstanding the protest which may have been filed to the granting of the same. When application is made for a permit, a sum sufficient to cover the cost of advertisement shall be deposited with the Inspector of Buildings.

City Code, (1879) Art. 7, Sec. 48. City Code, (1893) Art. 7, Sec. 109.
Ord. 97, December 24, 1900. Ord. 92, June 13, 1904.

Forfeit for not
securing
permit for
power.

142. Any person or persons who shall introduce steam, gas or gasoline for power uses, or any other motive power or an engine or machinery operated by such power on his, her or their premises, without first filing an application for a permit in the manner and form as prescribed in section 139 of this Article and obtaining such permit shall forfeit and pay a fine of twenty-five dollars, and ten dollars additional for every day the same shall remain without such permit; said permit to be revocable by the Inspector of Buildings upon the approval of the Mayor; and the machinery, upon said permit being revoked, shall be removed within three months after notice from the Inspector of Buildings, approved by the Mayor, unless an appeal be taken as provided by section 2 of this Article. A failure on the part of any person or persons taking such appeal to comply with the requirements of the arbitrators upon the determination of such appeal, shall subject such person or persons to the same penalties as are provided in this section for the introduction of power without a permit.

Ord. 92, June 13, 1904, Sec. 109A.

Forfeit for not
securing
permit for
boiler of
more than
twenty
horse-power.

143. Any person or persons who shall introduce a boiler for the operation of an engine, dynamo or other machinery of more than twenty horse-power without first obtaining a permit for the same in manner and form as set forth in section 139, and shall fail to make and attach to

the application therefor the affidavit prescribed by section 140 of this Article, such person or persons shall forfeit and pay a fine of twenty-five dollars, and ten dollars additional for every day the same shall remain without a permit; said permit to be revocable by the Inspector of Buildings, upon approval of the Mayor; and the machinery, upon said permit being revoked, shall be removed within three months after notice from the Inspector of Buildings, approved by the Mayor, unless an appeal from the order of the Inspector of Buildings requiring such removal be taken as provided by section 2 of this Article.

Ord. 92, June 13, 1904, Sec. 109B.

144. Any person obtaining a permit involving the use of power to which the provisions of section 140 are applicable, who shall at any time be guilty of a violation of the oath, as set forth in section 140, shall forfeit and pay a fine of not less than five and not more than one hundred dollars for the first offense; not less than twenty-five and not more than one hundred and twenty-five dollars for the second offense; and should the said violation be the first or any subsequent offense, the Inspector of Buildings, in his discretion, if the conditions render such action advisable, shall, in addition to the fine imposed, revoke the said permit, (if such revocation shall be approved by the Mayor), and the machinery, upon said permit being revoked, shall be removed within three months after notice from the Inspector of Buildings, approved by the Mayor.

Penalties for violation of oath; permit may also be removed.

City Code, (1879) Art. 7, Sec. 49. City Code, (1893) Art. 7, Sec. 110.
Ord. 97, December 24, 1900.

145. Any person or persons who may have, or shall hereafter obtain, permission for the use of power under the provisions of sections 138 to 141, inclusive, of this Article, and desiring to change to greater or less capacity, shall, before making any such change, proceed as in case of a new instalment, and any violation of this section will subject the offender to penalty, as provided in the next preceding section.

Proviso for changes.

Ord. 97, Dec. 24, 1900, Sec. 110A.

Storage-tanks.

146. The gasoline power, as named in sections 138 to 145, inclusive of this Article is not to conflict or nullify any existing ordinances regarding storage tanks for gasoline for gasoline engines.

Ord. 97, Dec. 24, 1900, Sec. 110B.

Ten pound
pressure
boilers.

147. Permits may be granted by the Inspector of Buildings for low-pressure steam boilers used for heating purposes only, in all cases where the power does not exceed ten pounds of pressure. The application shall be made in the same manner for the placing of low-pressure steam boilers as required for all other steam boilers under the provisions of sections 138, 139 and 140 of this Article, except no advertisement will be necessary before the issuance of the permit.

Ord. 97, Dec. 24, 1900, Sec. 110C.

Penalty for
non-observance.

148. Any person or persons placing upon their premises any low-pressure steam boiler, used for heating purposes as hereinbefore designated, without having first obtained a permit therefor, will be subject to a fine of twenty dollars, (\$20) and an additional fine of five dollars (\$5) for each and every day thereafter, until the permit is obtained. If any person or persons having a low-pressure boiler or boilers, for which a permit has been properly issued, for heating purposes make any attachment for power purposes, or run any machinery of any kind whatever by said boiler, they shall be subject to a fine of five hundred dollars, (\$500) and ten dollars (\$10) additional for every day such attachments are permitted to remain connected.

Ord. 97, Dec. 24, 1900, Sec. 110D.

149. If any person or persons or corporation, after having placed a low-pressure boiler upon his, their or its premises, as hereinbefore provided for, shall cause or allow

the pressure upon said boiler to exceed ten pounds, he, Fine for higher pressure. they or it shall be liable to a fine of one hundred dollars (\$100) for each offense.

UNSAFE AND CONDEMNED BUILDINGS.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 94. Ord. 82, July 25, 1902.

150. If any wall or building, or any part of any structure of any kind, shall from any cause whatever be in a condition as to be a menace to the safety of persons or property, it shall be the duty of the Inspector of Buildings, as the head of the third Sub-Department of Public Safety, to give notice in writing to the owner or owners of such unsafe conditions, or to his, her or their agents or representatives, and require the same to be made safe and secure or removed, as speedily as in the judgment of the Inspector of Buildings the emergency of the case demands; and it shall be the duty of such person or persons, whether owner, agent or representative, to comply with such notice from the Inspector of Buildings, and any failure or neglect so to do shall subject the owner, agent or representative to a fine of twenty dollars, (\$20) and an additional fine of ten dollars (\$10) for each and every day there is a continuance of such failure or neglect; this however does not exclude any owner, agent or representative from any right of appeal from the decision of the Inspector of Buildings, as provided for in section 2 of this Article. Unsafe buildings, duty of Inspector of Buildings.

Penalty.

Ord. 81, May 27, 1895. Ord. 82, July 25, 1902, Sec. 94A.

151. If any wall or building or any part of any structure of any kind shall be in a condition as described in section 150, and the notice from the Inspector of Buildings as therein required having been served, and a failure or neglect to comply with said notice continue at the expiration of the time stated in said notice within which said repairs, securing or removing shall proceed, the Inspector of Buildings shall, in addition to the penalty stated in section 150, cause a poster to be placed in some conspicuous place on the Proceedings when notice is disregarded.

Notice to be posted in conspicuous place.

premises notifying all persons interested that a notice having been given in accordance with section 150 of this Article and the same having been disregarded or neglected, the Inspector of Buildings, representing the Mayor and City Council of Baltimore, will proceed, at the expiration of ten days from the date of said poster, to make the premises safe and secure to persons and property in whatever way may be necessary so to do, and whatever expense shall be incurred in any proceeding called for under this sub-division of this Article the same shall be paid by the City Register out of any unappropriated money in the treasury, and any or all parties interested in the premises shall become indebted to the Mayor and City Council of Baltimore for the full amount expended; and the claim shall become a lien on the entire lot within the described bounds of the premises, and all property on said lot, and should the indebtedness not be paid to the Comptroller within one year from incurring the expense, the Comptroller shall place the claim in the charge of the City Solicitor for foreclosure and recovery of the money, including all costs and interest.**

Unpaid expenses to be collected after one year.

Ord. 82, July 25, 1902, Sec. 94B.

152. The Inspector of Buildings shall secure the approval of the Mayor before proceeding to remove or secure any premises as required in section 151.

Approval of Mayor.

Ord. 82, July 25, 1902, Sec. 94C.

153. Should any special emergency occur, where the delay of proceeding, as required by sections 150, 151 and 153, of this Article, would result in loss of life or property and immediate action would be necessary, the Mayor shall have the power to direct the Inspector of Buildings to proceed at once to take such action as is needed to guard the safety of persons and property, and should it become

Power to make buildings safe.

**NOTE.—The lien created by the provisions of this section is now valid and enforceable under the provisions of the Act of 1906, re-enacting section 6 of the City Charter, title "General Powers," sub-title "Buildings," *ante*.

necessary on account of great risks in approaching, to demolish or throw any wall or structure, the city and its officers shall be harmless from any damage that might occur from such necessary demolition, and the whole risk to be on the owner, owners or representatives of the defective property.

VAULTS AND AREAS.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 23.

154. No person or persons shall construct, or cause to be constructed, any vault or area-way in any of the streets, lanes or alleys of the city, before the same shall have been approved by the Board of Estimates and a permit therefor issued by the Inspector of Buildings.

Permits for
vaults or
areas.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 24.

155. Every application for permission to erect such vault or area shall be made to the Board of Estimates through the Inspector of Buildings, said application to be on the blank forms prepared for the purpose properly filled in and signed by the person making the same and shall be completed and the ground closed over them within three weeks after they are commenced, unless the Inspector of Buildings extends the time for the completion of same, which he is hereby authorized to do in cases where he may deem the same necessary and expedient. The person applying shall pay (upon being notified by the Inspector of Buildings of the approval of the application) to the Comptroller the charges placed by the Board of Estimates before the permit can be issued. Should such vault or area be constructed larger than the size stated in the application said permit shall become null and void or subject to whatever action the Board of Estimates shall decide. In no case shall the walls of said vault be less than eighteen inches thick, and shall be of such increased thickness as in the judgment of the Inspector of Buildings the length and depth of the vault shall require.

Application
for permit.

City Code, (1879) Art. 47, Sec. 104. City Code, (1893) Art. 48, Sec. 121.

What to be
deemed a
vault or area.

156. Every description of opening below the surface of the street, in front of any shop, store, house or other building, whether covered or open, except cellar doorways and cellar steps, shall be considered and held to be a vault or area within the meaning of this Article.

City Code, (1879) Art. 47, Sec. 105. City Code, (1893) Art. 48, Sec. 122.

Entrances to
cellars and
basements,
how to be
covered or
enclosed.

157. All entrances to the cellars or basements of any store or dwelling house, in any street, lane or alley of the city, which has steps descending below the level of the sidewalk shall be covered, when not in actual use, with good and sufficient iron or wooden doors or grates, on or above the level of the sidewalk, or be surrounded with good and sufficient wood or iron railings, of a height sufficient to prevent danger to the lives or limbs of persons who may be passing along said street, lane or alley; and any person violating this section shall pay a fine of ten dollars (\$10) for each and every offence, and a further fine of five dollars (\$5) for every ten days such entrance shall remain without such door or railing, after the first conviction.

City Code, (1879) Art. 47, Sec. 110. City Code, (1893) Art. 48, Sec. 127.

Precautions
against
accident dur-
ing construc-
tion of vaults
or areas.

158. The owner or occupant of any house or lot before which any vault or opening for cellar doors, areas or steps is being constructed, shall fence off the pavement on the right and left of the improvement, and during the whole of every night whilst such vault or opening is uncovered or unenclosed, cause a lighted lamp or lantern to be placed at some convenient spot, so as to cast its light upon such vault or opening, under the penalty of five dollars (\$5) for each and every night, or part of a night, during which such lamp or lantern shall be neglected to be placed, kept or lighted as aforesaid.

City Code, (1879) Art. 47, Sec. 106. City Code, (1893) Art. 48, Sec. 123.

159. All cellar doors, the construction of which shall be authorized by law, shall not be altered or repaired except

in conformity with the requirements of the permit obtained from the Inspector of Buildings authorizing such alteration or repairs ; if any person shall refuse or neglect to conform to any of the provisions of this section he or she shall forfeit and pay the sum of five dollars for each offence and one dollar for every day thereafter until such provisions are complied with.

Requirements
for the
alteration
and repair of
cellar doors.

Penalty.

City Code, (1879) Art. 47, Sec. 109. City Code, (1893) Art. 48, Sec. 126.

160. The coverings of all vaults or apertures placed in the foot ways in the several streets, lanes or alleys of the city under authority of law, shall be constructed as required by the permit authorizing their construction and shall be maintained thereafter in conformity with the requirements of such permit; a violation of any of the provisions of this section shall subject the person or persons or corporation so offending, to a penalty of ten dollars, and a further penalty of one dollar for each day such coverings shall remain after notice in writing given by the City Engineer.

Coverings of
vaults and
apertures in
footways.

WALLS OF BUILDINGS.

Footings of Walls.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 12.

161. The footing or base courses under all foundation walls, piers, columns, posts or pillars resting on the earth, shall be of brick, stone or concrete, and if under water, wood may be used, and if brick or concrete be used under a foundation wall, if practicable, it shall be at least twelve inches wider than said walls, and if under piers, columns, posts or pillars shall be at least twelve inches wider on all sides than the bottom of said piers, columns, posts or pillars, and not less than sixteen inches in thickness ; if built of stone, the stones thereof shall not be less than three by three feet, and at least six inches in thickness, and all base stones shall be well bedded and laid edge to edge, and if the walls be built of piers, and the nature of the soil and requirements of the superstructure render it necessary, then there must be inverted arches at least

Base courses.

twelve inches thick turned under and between the piers, or two footing courses of large stone at least eight inches thick in each course.

Foundation and Division Walls.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 3.

Outside or
division
walls.

162. All buildings hereafter erected within the said building limits defined in section 4 of this Article shall have all outside or division walls constructed of stone, brick, iron or other non-combustible material, properly bonded and solidly put together and all such walls shall be built to a line and carried up plumb and straight, and the several component parts of such buildings shall be constructed in such manner as herein provided.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 4.

Foundation
walls.

163. All foundation walls shall be laid not less than three feet below the exposed surface of the earth on a good, solid bottom; and in case the nature of the earth should require it, a bottom of driven piles, flagstones, concrete or laid timbers, of sufficient size and thickness, shall be laid, to prevent the walls from settling; and all piers, columns, post or pillars resting on the earth shall be set upon a bottom in the same manner as the foundation walls.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 5.

Rock bottoms.

164. Whenever the foundation wall or walls of any building that may hereafter be erected shall be placed on a rock bottom, the said rock shall be benched or leveled to receive the same; and all excavations upon the front or side of any lot adjoining the street shall be properly guarded and protected by the person or persons having charge thereof, so as to prevent the same from being or becoming dangerous to limb or life.

Excavations.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 6.

165. Whenever the owner or owners of property wish to excavate to a depth not exceeding ten feet below the top of the kerb in front of the wall to be underpinned, and there shall be any party or other walls wholly or partly upon adjoining land, and standing upon or near the boundary line of said lot, and the owner or owners refuse to underpin or protect said walls after having had notice of twenty-four hours from the Inspector of Buildings so to do, he may enter upon the premises and employ such labor and take such steps as in his judgment may be necessary to make the same safe and secure, or to prevent the same from becoming unsafe or dangerous, at the expense of the person or persons owning said wall or building of which it may be a part; and any person or persons doing said work, or any part thereof, under and by the direction of the Inspector of Buildings may bring and maintain an action against the owner or owners, or any one of them, of the said wall or building of which it may be a part, for any work done or materials furnished in and about the said premises, in the same manner as if he had been employed to do the work by the owner or owners of the premises.

Underpinning where excavation is less than ten feet.

*Party Walls.**

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 7.

166. When parties building wish to excavate in depth exceeding ten feet, they shall notify the property owners adjoining of the depth they wish to excavate and they shall reimburse the owners of adjoining walls for the expense which the same may incur below the depth of ten feet, and the party causing such excavation to be made may recover compensation from the adjoining owner in case such adjoining owner should at any time thereafter make any use of said foundation walls below said ten feet below grade.

Underpinning where excavation is more than ten feet.

*NOTE.—As to party walls, see *Serio v. Murphy*, 99 Md. 545.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 8.

Repair or
removal of
party walls.

167. The Inspector of Buildings shall, upon the application of any owner or owners of any building, or their authorized agents, examine any or all existing party walls, and if they are deemed by him to be defective, out of repair or otherwise unfit for the purpose of new buildings about to be erected, such party wall or walls shall be repaired, or made good, or taken down by the parties building, as the decision of the Inspector of Buildings may be, the cost and expense of which repair or removal, together with the expense of the new wall or walls to be erected in lieu thereof, shall be borne and paid exclusively by the parties building, and they shall also make good all damages occasioned thereby to the adjoining premises.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 9.

Use of party
walls.

168. When the owner or owners of adjoining property wish to use a larger portion of said new wall or walls than that occupied by the building at the time when the said new wall or walls were built, as explained in section 167 of this Article, they may use the entire new wall or walls, or any portion thereof but in no case shall they insert their joist beyond the party lines, provided that they reimburse the owners of the said new wall or walls for that portion used in excess of the space occupied by the said building when the said wall or walls were built, at the rate of one-half the cost of that portion of the wall which is so used, providing it does not exceed one-half the cost of an eighteen-inch wall, at a fair valuation by disinterested parties, when the said wall or walls are used.

Expense.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 10.

New wall.

169. If, in such case, the owner or owners prefer to build an independent new wall of their own by the side of the old party wall, they shall be relieved from all expense incurred in repairing the old wall.

Thickness and Construction of Walls.

City Code, (1893) Art. 7, Sec. 13. Ord. 63, March 21, 1904.

170. All foundation walls, isolated piers, parapet walls and chimneys above roofs shall be laid in cement mortar. But this shall not prohibit the use of a small portion of lime in the mortar in which face bricks are laid. All other walls built of brick or stone shall be laid in lime, cement, or lime and cement mortar mixed. The backing up of all stone ashler shall be laid up with cement mortar, or cement and lime mortar mixed, but the back of the ashler may be parged with lime mortar to prevent discoloration of the stone. All foundation walls or cellars shall be built of stone or bricks laid in cement. If built of stone they shall at least be six inches thicker than the wall next above them to a depth of twelve feet below kerb level and shall be increased six inches in thickness for each and every ten feet or part thereof additional depth beyond the twelve feet above specified. If foundation walls are built of brick, they must be at least four inches thicker than the walls next above them and must be increased four inches in thickness for additional depths as specified for stone walls. All walls and footings must start at least twelve inches below finished cellar level. The expression "walls for dwelling houses," shall be taken to mean and include in this class, walls for the following buildings: apartment houses, hotels, asylums, laboratories, club houses, lodging houses, convents, parish buildings, dormitories, schools, dwellings, studios, hospitals and tenements. The walls above the basement of dwelling houses not over three stories and basement, nor more than forty-five feet in height, and not over twenty feet front and not over fifty-five feet in depth, shall have side and party walls not less than nine inches thick, and front and rear walls not less than thirteen inches thick. All walls of dwellings exceeding twenty feet front and not exceeding forty feet in height shall be not less than thirteen inches thick. All walls of dwellings exceeding twenty feet front, and between bearing walls which are hereafter erected or which may be altered to be used for dwellings, and being over forty feet in height,

Specifications
for founda-
tion walls,
isolated
piers, etc.

Walls and
footings.

Walls of
dwellings.

Walls over 20
feet.

Walls over 40
feet.

and not over fifty feet in height, shall be not less than thirteen inches thick above the foundation wall. No walls shall be built having a thirteen-inch thick portion measuring vertically more than fifty feet. If over fifty feet in height and not over sixty feet in height, the walls shall be not less than seventeen inches thick in the story next above the foundation walls, and from thence not less than thirteen inches to the top. If over sixty feet in height and not over seventy-five feet in height, the wall shall be not less than seventeen inches thick above the foundation walls to the height of twenty-five feet, or to the nearest tier of beams to that height, and from thence not less than thirteen inches thick to the top. If over seventy-five feet in height and not over one hundred feet in height, the walls shall be not less than twenty-one inches thick above the foundation walls to the height of forty feet, or to the nearest tier of beams to that height, thence not less than seventeen inches thick to the height of seventy-five feet, or to the nearest tier of beams to that height; thence not less than thirteen inches thick to the top. If over one hundred feet in height and not over one hundred and twenty-five feet in height, the walls shall be not less than twenty-five inches thick above the foundation walls to the height of forty feet, or to the nearest tier of beams to that height, thence not less than twenty-one inches thick to the height of seventy-five feet, or to the nearest tier of beams to that height, thence not less than seventeen inches thick to the height of one hundred and ten feet, or to the nearest tier of beams to that height, and thence not less than thirteen inches thick to the top. If over one hundred and twenty-five feet in height and not over one hundred and fifty feet in height, the walls shall be not less than twenty-nine inches thick above the foundation walls to the height of thirty feet, or to the nearest tier of beams to that height, thence not less than twenty-five inches thick to the height of sixty-five feet, or to the nearest tier of beams to that height, thence not less than twenty-one inches thick to the height of one hundred feet, or to the nearest tier of beams to that height, thence not less than seventeen inches thick to the height of one hundred and

Walls over
50 feet,

Walls over
60 feet.

Walls over
75 feet.

Walls over
100 feet.

Walls over
125 feet.

thirty-five feet, or the nearest tier of beams to that height, thence not less than thirteen inches thick to the top. If over one hundred and fifty feet in height, each additional thirty feet in height or part thereof, next above the foundation walls, shall be increased four inches in thickness, the upper one hundred and fifty feet of wall remaining the same as specified for a wall of that height.

Walls over
150 feet.

Construction and Thickness of Dwelling Walls.

City Code, (1893) Art. 7, Sec. 13A. Ord. 63, March 21, 1904.

171. All non-fireproof dwelling houses erected under this Article exceeding twenty-six feet in width shall have brick fore and aft partition walls. All non-bearing walls of buildings hereinbefore in this Article specified may be four inches less in thickness; provided, however, that none are less than twelve inches thick, except as in this Article specified.

Non-fireproof
dwelling
houses.

City Code, (1893) Art. 7, Sec. 13B. Ord. 63, March 21, 1904.

172. Nine-inch brick partition walls may be built to support the beams in such buildings in which the distance between the main or bearing walls is not over thirty-three feet. If the distance between the main or bearing walls is over thirty-three feet the brick partition wall shall be not less than thirteen inches thick; provided, that no clear span is over twenty-six feet.

Brick parti-
tion walls.

City Code, (1893) Art. 7, Sec. 13C. Ord. 63, March 21, 1904.

173. No wall shall be built having any one thickness measuring vertically more than fifty feet. This Article shall not be construed to prevent the use of iron or steel girders, or iron girders and columns, or piers of masonry, for the support of the walls and ceilings over any room which has a clear span of more than twenty-six feet between walls in such dwellings as are not constructed fireproof. Nor to prohibit the use of iron or steel girders,

Height of
single thick-
ness walls.

Iron girders
or columns
not pro-
hibited.

or iron or steel girders or columns in place of brick walls in buildings which are to be used for dwellings when constructed fireproof.

City Code, (1893) Art. 7, Sec. 13D. Ord. 63, March 21, 1904.

Bearing walls.

174. If the clear span is to be over twenty-six feet then the bearing walls shall be increased four inches in thickness for every twelve and one-half feet or part thereof that said span is over twenty-six feet ; or shall have instead of the increased thickness such piers or buttresses as, in the judgment of the Inspector of Buildings, may be necessary.

City Code, (1893) Art. 7, Sec. 13E. Ord. 63, March 21, 1904.

Centre wall
specifica-
tions.

175. Whenever two or more dwelling houses shall be constructed not over twelve feet six inches in width, and not over fifty feet in height, the alternating centre wall between any two such houses shall be of brick not less than nine inches above the foundation wall ; and the ends of the floor beams shall be so separated that four inches of brick-work will be between the beams where they rest on said centre wall.

Walls of Warehouses.

City Code, (1893) Art. 7, Sec. 13F. Ord. 63, March 21, 1904.

Walls of
warehouses.

176. The expression "walls for warehouses," shall be taken to mean and include in this class, walls of the following buildings : Armories, observatories, breweries, office buildings, churches, police stations, cooperage shops, printing houses, court houses, public assembly buildings, factories, pumping stations, foundries, railroad buildings, jails, refrigerating houses, libraries, slaughter houses, light and power houses, stables, machine shops, stores, markets, sugar refineries, mills, theatres, museums, warehouses, wheelwright shops. The walls of all warehouses twenty-five feet or less front between walls or bearings shall be not less than thirteen inches thick to the height

of forty feet above the foundation walls. If over forty feet in height and not over sixty feet in height, the walls shall be not less than seventeen inches thick above the foundation walls to the height of forty feet, or to the nearest tier of beams to that height, and thence not less than thirteen inches thick to the top. If over sixty feet in height and not over seventy-five feet in height, the walls shall not be less than twenty-one inches thick above the foundation walls to the height of twenty-five feet, or to the nearest tier of beams to that height, and thence not less than seventeen inches thick to the top. If over seventy-five feet in height and not over one hundred feet in height, the walls shall be not less than twenty-five inches thick above the foundation walls to the height of forty feet, or to the nearest tier of beams to that height, thence not less than twenty-one inches thick to the height of seventy-five feet, or to the nearest tier of beams to that height, and thence not less than seventeen inches thick to the top. If over one hundred feet in height and not over one hundred and twenty-five feet in height, the walls shall be not less than twenty-nine inches thick above the foundation walls to the height of forty feet, or to the nearest tier of beams to that height, thence not less than twenty-five inches thick to the height of seventy-five feet, or to the nearest tier of beams to that height, thence not less than twenty-one inches thick to the height of one hundred and ten feet, or to the nearest tier of beams to that height, and thence not less than seventeen inches thick to the top. If over one hundred and twenty-five feet in height and not over one hundred and fifty feet, the walls shall be not less than thirty-four inches thick above the foundation walls to the height of thirty feet, or to the nearest tier of beams to that height, thence not less than twenty-nine inches thick to the height of sixty-five feet, or to the nearest tier of beams to that height, thence not less than twenty-five inches thick to the height of one hundred feet, or to the nearest tier of beams to that height, thence not less than twenty-one inches thick to the height of one hundred and thirty-five feet, or to the nearest tier of beams to that height, and thence not less than sixteen inches thick to the

If not over 60 feet in height.

If not over 75 feet in height.

If not over 100 feet in height.

If not over 125 feet in height.

If not over 150 feet in height.

If over 150 feet
in height.

top. If over one hundred and fifty feet in height, each additional twenty-five feet in height, or part thereof next the foundation walls, shall be increased four inches in thickness, the upper one hundred and fifty feet of wall remaining the same as specified for a wall of that height.

City Code, (1893) Art. 7, Sec. 13G. Ord. 63, March 21, 1904.

Clear span of
over 25 feet,
etc.

177. If there is to be a clear span of over twenty-five feet between the bearing walls, such walls shall be four inches more in thickness than in this Article specified for every twelve and one-half feet or fraction thereof that said walls are more than twenty-five feet apart, or shall have, instead of the increased thickness, such piers or buttresses as, in the judgment of the Inspector of Buildings, may be necessary.

Miscellaneous Walls.

City Code, (1893) Art. 7, Sec. 13H. Ord. 63, March 21, 1904.

Walls of public
buildings.

178. The walls of buildings of a public character shall be not less than in this Article specified for warehouses with such piers or buttresses, or supplemental columns of iron or steel, as in the judgment of the Inspector of Buildings may be necessary to make a safe and substantial building.

City Code, (1893) Art. 7, Sec. 13I. Ord. 63, March 21, 1904.

Partition
walls.

179. In all stores, warehouses and factories over twenty-five feet in width between walls, there shall be brick partition walls or girders supported on iron, steel or wood columns, or piers of masonry.

Buildings Without Partition Walls.

City Code, (1893) Art. 7, Sec. 13K. Ord. 63, March 21, 1904.

Substitutes for
partition
walls.

180. In all stores, warehouses or factories, in case iron, steel, or wood girders supported by iron, steel or wood columns, or piers of masonry are used in place of brick

partition walls, the building may be seventy-five feet wide and two hundred and ten feet deep when extending from street to street, or when otherwise located may cover an area of not more than eight thousand superficial feet. When a building fronts on three streets it may be a hundred and five feet wide and two hundred and ten feet deep. Or if a corner building fronting on two streets it may cover an area of not more than twelve thousand five hundred superficial feet.

Area of buildings not having partition walls.

City Code, (1893) Art. 7, Sec. 13L. Ord. 63, March 21, 1904.

181. But in no case shall any such building be wider nor deeper, nor cover a greater area except in the case of fire-proof buildings. An area greater than herein stated may, considering location and purpose, be allowed by the Inspector of Buildings when the proposed building does not exceed three stories in height.

Exceptions for buildings of not over three stories.

Cross Walls.

City Code, (1893) Art. 7, Sec. 13M. Ord. 63, March 21, 1904.

182. All buildings, not excepting dwellings, that are over one hundred and five feet in depth, without a cross-wall or proper piers or buttresses, shall have the side or bearing walls increased in thickness four inches more than is specified in the respective sections of this Article for the thickness of walls, for every one hundred and five feet or part thereof, that the said buildings are over one hundred and five feet in depth.

Side walls increased where no cross-walls.

City Code, (1893) Art. 7, Sec. 13N. Ord. 63, March 21, 1904.

183. In case the walls of any building are less than twenty-five feet apart, and less than forty feet in depth, or there are cross-walls which intersect the walls not more than forty feet distant, or piers or buttresses built into the walls, the interior walls may be reduced in thickness in just proportion to the number of cross-walls, piers or

Reduction of partition walls.

Proviso.

buttresses and their nearness to each other; provided, however, that this clause shall not apply to walls below sixty feet in height, and that no such walls shall be less than twelve inches thick at the top, and gradually increased in thickness by set-offs to the bottom. The Inspector of Buildings is hereby authorized and empowered to decide (except where herein otherwise provided for) how much the walls herein mentioned may be permitted to be reduced in thickness, according to the peculiar circumstances of each case, without endangering the strength and safety of the building.

One and Two Story Structures.

City Code, (1893) Art. 7, Sec. 130. Ord. 63, March 21, 1904.

One-story
structures.

184. One-story structures not exceeding a height of fifteen feet, may be built with nine-inch walls when the bearing walls are not more than nineteen feet apart, and the length of the nine-inch bearing walls does not exceed fifty-five feet. One-story and basement extensions may be built with nine-inch walls when not over twenty feet wide, twenty feet deep and twenty feet high to dwellings.

Ord. 110. June 22, 1904. Ord. 188, January 16, 1905.

Walls of
two-story
buildings.

185. All buildings hereafter erected, not over two stories in height and not over fifteen feet front and fifty-five feet deep, the enclosing and division walls above the first floor of joists may be what is known as 9-inch walls, and the walls below the first floor shall be increased four inches thicker if built of bricks, or six inches thicker if built of stone; provided, that on any street, lane or alley a stone wall shall not be less than eighteen inches thick, and that all walls shall have such bottom footings as shall prevent any settling or cracking of the walls from the nature of the ground on which they are built.

Ord. 188, January 16, 1905.

186. In all two and three story houses of dimensions described in the next preceding section of this Article, fire-walls will be allowed separating said houses twelve (12) inches high above the top of sheathing and nine inches thick. And all such walls to be built with hard brick laid in cement, and covered with tin or metal.

Fire-walls of
two-story
buildings.

City Code, (1893) Art. 7, Sec. 13P. Ord. 63, March 21, 1904.

187. Walls of brick built in between iron or steel columns, and supported wholly or in part on iron or steel girders, shall not be less than thirteen inches thick for seventy-five feet of the uppermost height thereof, or to the nearest tier of beams to that measurement, in any building as constructed. And every lower section of sixty feet, or to the nearest tier of beams to such vertical measurement, or part thereof, shall have a thickness of four inches more than is required for the section next above it down to the tier of beams nearest to the kerb level, and thence downward the thickness of walls shall increase in the ratio prescribed in this Article. Curtain walls built in between piers, or iron or steel columns and not supported on steel or iron girders, shall be not less than thirteen inches thick for sixty feet of the uppermost height thereof, or nearest tier of beams to that height, and increased four inches for every additional section of sixty feet, or nearest tier of beams to that height.

Brick walls in
between iron
or steel
columns.

Curtain walls.

City Code, (1893) Art. 7, Sec. 13Q. Ord. 112, June 7, 1894. Ord. 63.
March 21, 1904.

188. Walls heretofore built for or used as party walls, whose thickness at the time of their erection was in accordance with the requirements of the then existing laws but which are not in accordance with the requirements of this Article, may be used, if in good condition, for the ordinary uses of party walls; provided, the height of the same be not increased. Any building, the erection of which was commenced in accordance with specifications

Party walls
heretofore
built.

and plans submitted to and approved by the Inspector of Buildings prior to the passage of this Article, if properly constructed and in safe condition, may be completed or built upon in accordance with the requirements of law as to the thickness of walls in force at the time when such specifications and plans were approved.

Erection of Walls.

City Code, (1893) Art. 7, Sec. 13R. Ord. 63, March 21, 1904.

Safety provisions during erection of walls.

189. In no case shall any wall or walls of any building be carried up more than two stories in advance of any other wall, except by permission of the Inspector of Buildings. But this prohibition shall not include the enclosure walls for skeleton buildings. The front, rear, side and party walls shall be properly bonded together or anchored to each other every six feet in their height by wrought iron tie anchors not less than one and one-half inches by three-eighths of an inch in size, and not less than twenty-four inches in length. The side anchors shall be built into the side or party walls not less than sixteen inches, and into the front and rear walls so as to secure the front and rear walls to the side or party walls when not built and bonded together. All exterior piers shall be anchored to the beams or girders on the level of each tier. The walls and beams of every building during the erection or alteration thereof, shall be strongly, braced from the beams of each story and when required shall be braced from the outside until the building is enclosed. The roof tier of wood beams shall be safely anchored, with plank or joist, to the beams of the story below until the building is enclosed.

City Code, (1893) Art. 7, Sec. 13S. Ord. 63, March 21, 1904.

Openings for doors and windows.

190. Openings for doors and windows in all buildings shall have good and sufficient arches of stone, brick or terra cotta, well built and keyed with good and sufficient abutments, or lintels of stone, iron or steel of sufficient strength, which shall have a bearing at each end of not less than eight inches on the wall. On the inside of all

openings in which lintels shall be less than the thickness of the wall to be supported, there shall be timber lintels, which shall rest at each end not more than four inches on any wall, which shall be chamfered at each end and shall have a suitable arch turned over the timber lintel. Or the inside lintel may be of cast iron or wrought iron or steel, and in such case stone blocks or cast iron plates shall not be required at the ends where the lintel rests on the walls; provided the opening is not more than six feet in width.

Strength of Walls.

City Code, (1893) Art. 7, Sec. 13T. Ord. 63, March 21, 1904.

191. All masonry arches shall be capable of sustaining the weight and pressure which they are designed to carry, and the stress at any point shall not exceed the working stress for the material used, as given in this Article. Tie rods shall be used where necessary to secure stability. All exterior and division or party walls over fifteen feet high, excepting where such walls are to be finished with cornices, gutters or crown mouldings, shall have parapet walls not less than eight inches in thickness and carried two feet above the roof. But for warehouses, factories, stores and other buildings used for commercial or manufacturing purposes, the parapet walls shall be not less than thirteen inches in thickness and carried three feet above the roof. And all such walls shall be coped with stone, terra cotta or cast iron. In all walls that are built hollow the same quantity of stone, brick or concrete shall be used in their construction as if they were built solid, as in this Article provided. And no hollow wall shall be built unless the parts of same are connected by proper ties, either of brick, stone or iron, placed not over twenty-four inches apart. The inside four inches of all walls may be built of hard burnt, hollow brick, properly tied and bonded into the walls, and of the dimensions of the ordinary brick. Where hollow tile or porous terra cotta blocks are used as lining or furring for walls, they shall not be included in the measurement of the thickness of such walls.

Masonry and
brick-work
specifications.

Hollow walls.

City Code, (1893) Art. 7, Sec. 13U. Ord. 63, March 21, 1904.

Recesses in
walls for ele-
vators, etc.

192. Recesses for stairways and elevators may be left in the foundation or cellar walls of all buildings, but in no case shall the walls be of less thickness than the walls of the fourth story, unless reinforced by additional piers with iron or steel girders, or iron or steel columns and girders, securely anchored to walls on each side. Recesses for alcoves and similar purposes shall have not less than eight inches of brick-work at the back of such recesses, and such recesses shall be not more than eight feet in width, and shall be arched over or spanned with iron or steel lintels, and not carried up higher than eighteen inches below the bottom of the beams of the floor next above. No chase for water or other pipes shall be made in any pier, and in no wall more than one-third of its thickness. The chases around said pipe or pipes shall be filled up with solid masonry for the space of one foot at the top and bottom of each story. No horizontal recess or chase in any walls shall be allowed exceeding four feet in length without permission of the Inspector of Buildings. The aggregate area of recesses and chases in any wall shall not exceed one-fourth of the whole area of the face of the wall on any story, nor shall any such recesses be made within a distance of six feet from any other recess in the same wall.

Concrete Walls.

City Code, (1893) Art. 7, Sec. 14. Ord. 63, March 21, 1904.

Walls of con-
crete; how
and when to
be built.

193. The thickness of concrete walls shall depend on the materials that will be used in the walls, the method of mixing same, and the system of binders and anchors, also on provisions to guard against danger from expansion and contraction. Samples of the materials to be used in the walls shall be submitted with the application to the Inspector of Buildings, who shall determine by this Article and examples of work of similar methods and materials the proper thickness for walls. Such walls shall be built perfectly plumb and shall not be constructed during freezing weather, and no material containing cement shall be used

in said wall after it has attained its first set. Any batches or remnants of material containing cement not used on the first set shall be condemned and removed, whether in the wall or in the vicinity of the work, as required by this Article. Concrete walls shall not be located as party walls except by written consent of adjoining owners previously filed with the Inspector of Buildings.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 22.

194. If there be a stone ashler used two inches thick Stone ashlers. or less, it shall not be reckoned in the thickness of any wall herein specified.

Brick Work.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 31. Ord. 37, April 7, 1894.

195. All brick work shall be of merchantable brick, Brick-work. laid and bedded with filled joints in lime or cement mortar, as provided for, and flushed up with every course of same, and all bricks used in the months from April to November, inclusive, shall be wet at the time they are laid, all walls of brick or stone shall be thoroughly bonded and solidly put together, and shall be built to a line, plumb, level and straight, and all bed joints not covered are to be struck.

Ord. 59, March 18, 1904, Sec. 4.

196. The face brick of all walls shall be bonded to the Face brick to be bonded. walls with bricks, and not with metal ties.

Headers.

Ord. 145, October 23, 1891. City Code, (1893) Art. 7, Sec. 28.

197. All stone walls twenty-four inches or less in Headers in brick and stone walls. thickness shall have at least one header extending through the walls in every three feet in height from the bottom of the walls, and in every four feet in length, and if over twenty-four inches in thickness shall have one header for

every six superficial feet on both sides of the wall, running into the wall at least two-thirds of thickness of wall ; all headers shall be at least eighteen inches in width and six inches in thickness, and shall consist of good, flat, square stones, and in brick walls every sixth course of brick shall be a heading course, except the facing of walls where stretchers are used, in which case every fifth course shall be bonded into the backing by cutting the course of the face brick and putting in diagonal headers behind the same, or by splitting face brick in two and backing the same by a continuous row of headers.

Joists.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 34.

Anchoring of
walls and
joists.

198. The front, rear, side or division walls shall be anchored at each tier of joists, at intervals of not more than ten feet apart, and the ends of all such joists, beams or girders so anchored to the walls, that a falling joist, beam, or girder will free its own anchorage, and may fall without injury to the wall, and where the joists are supported by the girders, the ends of the joists resting on the girders may lap each other, and each joist covering the entire width of the girder, and strapped by wrought iron straps, not less than one and one-half inches by three-eighths of an inch, and not less than eighteen inches long, and at the same distance apart, and on the same line of joists as the wall anchors, and this shall not prohibit hanging joists in iron stirrups from the girders, but in such cases the joists must be strapped as hereinbefore described.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 62.

Brick arches
between
joists.

199. If brick arches are used between joists, they shall have a rise of at least one and a-quarter ($1\frac{1}{4}$) inches to each foot of space between them.

Ord. 134, May 8, 1901, Sec. 56.

200. In all buildings hereinafter erected, altered or repaired, having one or more floors, the beams, joists and

rafters shall be framed around all flues, air chambers or other openings in walls, and also around all elevator holes, stairs and other openings in floors. All framing done either with iron stirrups or mortise and tenon, and the framing to be strong enough to sustain the safe weights required by section 115 of this Article. In all buildings where a safe weight of one hundred and fifty pounds (150 lbs.) per square foot of floor space and upwards is required, the framing shall be done with iron stirrups, and the long trimmers and headers doubled or tripled, as required for safe weights. And all buildings where less than one hundred and fifty pounds per square foot of floor space is required the framing may be done with mortise and tenon, but all trimmers and headers must be double joists or equal thereto, and in no case can framing be done other than specified in this section under the penalty as specified in section 203 of this Article.

Specifications for framing joists; trimmers and double headers.

Mortar.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 32.

201. All mortar used in the construction or repairs of any building shall be of the best quality for the purpose for which it is applied; all sand must be clean, sharp and free from loam, and no cement shall be used that has been mixed over night.

Mortar and sand.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 86. Ord. 79, October 7, 1897.

202. Every wall, structure and building hereafter to be built or altered in said city, shall conform to the provisions of this Article, except bridges, quays, wharves and buildings belonging to the Government of the United States or to the State of Maryland.

What property excepted.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 85. Ord. 63, March 21, 1904.

203. Any person or persons failing to comply with any of the requirements contained in this Article, or who shall

Violations of provisions of this Article.

Penalty. violate any of the provisions of this Article shall be subject to a penalty of twenty-five dollars for each offence, and to an additional fine of five dollars for every day that such violation shall continue, except in such cases where by the provisions of this Article a different fine or penalty is prescribed or imposed.

Fines, forfeitures and penalties. **204.** All fines, forfeitures and penalties incurred by the violation of any of the provisions of this Article shall be recovered as other fines, forfeitures and penalties imposed by ordinance, are recoverable, and when collected shall be paid to the Comptroller.

ARTICLE IV.
CARRIAGES, BOATS AND SCOWS.
ORDINANCES.

Driving Regulations.	Speed Regulations.
1. Drivers, etc., to keep on right side ; penalty.	4. Speed of licensed wagons of burden ; speed of unlicensed vehicles ; penalty.
2. Carriages, etc. in narrow streets ; penalty for entering when occupied.	5. Speed over bridges not to exceed a walk ; penalty.
3. Drivers to hold reins ; immoderate gait prohibited ; horses, etc. not to be turned loose or driven loose through streets ; drivers to hold or be within reach of bridle ; not to drive or place cart, dray, etc., over footways ; penalty ; proviso.	6. Penalty for omnibuses passing each other at excessive speed.
	7. Contests of speed forbidden ; penalty.
	8. Penalty for exceeding speed of six miles per hour, by express wagons.

9. Penalty for exceeding such speed by other vehicles and riders.

Sleighs, etc.

10. Bells on horses drawing sleighs or cars; penalty.

Vehicles Standing in Streets.

11. Position of drays standing in streets.
12. Mayor may regulate placing of carts; proviso.
13. How carriages for hire shall stand in streets.
14. Drivers of unemployed carriages occupying stands to hold reins or have same within reach.
15. Where vehicles may stand at night; Sunday excepted; proviso.
16. Seeking employment for or occupying streets or stands with carriages for hire on Sabbath, except by special permission of Mayor, prohibited; carts and drays not to remain in streets, etc. on Sabbath; not to drive in said vehicles, or feed horses in streets on Sabbath.
17. Penalty for violation of three preceding sections; not to apply to wagons of United States or State of Maryland.

Police Regulations.

18. Penalty for obstructing street cars.
19. Penalty for improperly driving vehicles on railway tracks.
20. Penalty for cracking whips near stands.

21. Vehicles to stand parallel with curb; penalty for obstructing street by taking other position; proviso as to wagons loading and unloading.

22. Not to stand across stepping stones.

23. Vehicles not within market limits on market days not to be placed in front of any premises without consent of owner; penalty; owner of premises may remove same; penalty for obstructing such owner.

24. Vehicles or horses not in use not to remain on streets over two hours; exception as to same on stands; penalty.

25. Distance between vehicles in driving; penalty.

26. Driving or riding across line of funerals.

27. Penalty for using vehicles without permission of owner.

28. Penalty for unauthorized riding on locomotives or other vehicles; proviso as to newsboys.

Rules of Mayor.

29. Penalty for violation of same.

Stands for Carriages, Carts, Etc.

30. Stands on Charles street forbidden.

31. Same on Bowly's wharf and Light street wharf; exception; penalty.

32. Where Mayor may designate stands; penalty for standing at unauthorized places.

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| <p>33. Streets near Hanover Market which are not to be occupied by horses, etc., on certain days.</p> <p>34. Exception as to vehicles from which articles are sold; regulation of such vehicle.</p> <p>35. Agreement between Mayor and property owners for use of pavement as stand or stall.</p> <p>36. Arrangement of vehicles not used to sell from; penalty.</p> | <p>37. Wood carts prohibited on Conway street.</p> <p>38. Furniture vans prohibited on German street; exceptions.</p> <p>39. Hacks not to stand in Monument square, etc.; penalty.</p> <p>40. Designation of stand on Charles street at Union Station.</p> <p>41. Recovery of fines and penalties imposed for the violation of the provisions of this Article.</p> |
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DRIVING REGULATIONS.

City Code, (1879) Art. 8, Sec. 1. City Code, (1893) Art. 8, Sec. 1.
Ord. 30, April 5, 1898.

Drivers, etc.,
to keep on
right side.

1. The drivers of all carriages of burden or pleasure, and the riders of all bicycles of every kind whatsoever, driving, riding or passing through the streets, lanes or alleys of the city, (where there is room sufficient for two to pass) shall keep on that side of the street, lane or alley on their right hand, respectively; and if any driver of a carriage or rider of a bicycle shall drive his carriage or ride his bicycle in the middle of the street or on the side of the way on his left hand, so as to prevent or obstruct another carriage or bicycle from passing as aforesaid, every driver or rider so offending shall forfeit and pay for every such offense a sum not exceeding five dollars.

Penalty.

Hagerstown v. Klotz, 93 Md. 437.

City Code, (1879) Art. 8, Sec. 2. City Code, (1893) Art. 8, Sec. 2.

Carriages in
narrow
streets.

2. Whenever any carriage or other vehicle shall have entered any street, lane or alley in the city, where there is not room sufficient for two carriages or vehicles to pass, no other carriage or vehicle shall enter the said street, lane or alley in the opposite direction, but shall remain in an adjacent street, until the first shall, with all diligence, have passed through; and if any driver or other person shall offend in such case, he shall forfeit and pay, for every such offense, a sum not exceeding five dollars.

City Code, (1879) Art. 8, Sec. 3. City Code, (1893) Art. 8, Sec. 3.

3. No person shall sit or stand in or upon any carriage, or any horse or beast harnessed thereto, in order to drive the same, unless he shall have strong reins or lines fastened to the bridle of his beast and held in his hands, sufficient to guide and restrain them; and no person driving any carriage, or riding any horse, mare, gelding or other beast in or through the said city, shall permit or suffer the beast or beasts, he shall so ride or drive, to go at an immoderate gait; and no person shall turn any horse, mare or gelding loose within the city or drive such horse, mare or gelding loose through any of the streets, lanes or alleys of the said city; and all porters, carters and other persons having the care of any carriage who shall not hold the reins in their hands to guide or restrain their beasts, shall walk by the head of the shaft or wheel-horse, holding, or within reach of the bridle or halter of the said horse; and no person shall drive, lead or place any horse or beast of burden, or any horse attached to a cart, dray or other carriage, laden or unladen, on any of the footways of the city; and every person offending in any or either of the cases aforesaid, shall forfeit and pay for every such offence a sum not exceeding twenty dollars; provided, that nothing herein contained shall prevent any person from riding, driving or leading across any of the footways any horse or beast of burden, into or out of any lot or tenement.

Regulations
for drivers.

Roddy v. Finnegan, 43 Md. 492.

SPEED REGULATIONS.

Ord. 89, May 5, 1880. City Code, (1893) Art. 8, Sec. 4.

4. It shall not be lawful for any licensed wagon of burden, cart or dray, laden or unladen, to be driven through any paved street, lane or alley within this city at a rate more than six (6) miles per hour; and it shall not be lawful for any unlicensed wagon of burden, cart or dray, laden or unladen to be driven through any paved street, lane or alley of this city at a gait exceeding a walk; and

Speed of
wagons of
burden.

any driver offending herein shall forfeit and pay a sum not more than five dollars nor less than two dollars for each and every offence.

City Code, (1879) Art. 8, Sec. 5. City Code, (1893) Art. 8, Sec. 5.

Speed over
bridges.

5. It shall not be lawful for any person to ride or drive any horse or horses over any bridge within the limits of the city at any gait other than a walk, under the penalty for each and every offence of five dollars.

City Code, (1879) Art. 8, Sec. 6. City Code, (1893) Art. 8, Sec. 6.

Omnibuses.

6. Any driver of any omnibus passing or attempting to pass any other omnibus, while the same is in motion at the rate of four miles per hour, shall be subjected to a fine of twenty dollars.

City Code, (1879) Art. 8, Sec. 7. City Code, (1893) Art. 8, Sec. 7.

Contests of
speed for-
bidden.

7. Any rider of any horse, mare or gelding, and any driver of any vehicles engaged in any contest of speed, within the limits of the city, shall be subjected to a fine of twenty dollars.

City Code, (1879) Art. 8, Sec. 8. City Code, (1893) Art. 8, Sec. 8.

Excessive
speed, pen-
alty.

8. Any rider or driver of any express wagon or vehicle going within the limits of the city, at a rate more than six miles per hour, shall be subjected to a fine of twenty dollars.

City Code, (1879) Art. 8, Sec. 9. City Code, (1893) Art. 8, Sec. 9.

Speed of riders;
of drivers.

9. Any rider of any horse, mare, gelding or mule, and any driver of any hack, cab, omnibus, gig, sulky, carryall, buggy wagon, stage coach, private carriage, or any carriage of pleasure, or carriage of any description other than those mentioned in the fourth section of this Article, going or moving within the limits of the city, at a rate more rapid than six miles an hour, shall be subjected to a fine of five dollars.

Penalty.

SLEIGHS, ETC.

City Code, (1879) Art. 8, Sec. 10. City Code, (1893) Art. 8, Sec. 10.

10. No driver of a carriage going upon runners or rail tracks shall pass through the streets, lanes and alleys of the city, unless one or more bell or bells be fixed to the horse or horses drawing the same, under a penalty for every such offense not exceeding five dollars.

Bells on horses drawing sleighs or cars.

Penalty.

VEHICLES IN STREETS.

City Code, (1879) Art. 8, Sec. 11. City Code, (1893) Art. 8, Sec. 11.

11. Each and every drayman shall place his horse and dray lengthways with and close to the kerbstones in the street in which the same shall stand, and no more than one range shall stand in any street, and drays shall be placed at a distance of not less than twenty-five feet from each other; subject, however, to the provisions of sections 12 and 24 of this Article.

Position of drays in streets.

City Code, (1879) Art. 8, Sec. 12. City Code, (1893) Art. 8, Sec. 12.

12. The Mayor is hereby authorized to regulate the distance between carts, and the manner in which they shall stand, either by general rule or rules applying to particular streets in his discretion; provided that nothing herein contained shall be construed to authorize the placing of two lines of carts in one street.

Distance between carts.

City Code, (1879) Art. 8, Sec. 13. City Code, (1893) Art. 8, Sec. 13.

13. Each and every carriage of pleasure kept for hire when unemployed and in any street and not in motion, shall be placed by the driver thereof in the middle of such street and lengthwise with said street, and no more than one range of carriages shall stand in any street, and such carriages shall be ranged parallel to the front of the houses, and at a distance of not less than thirty feet from each other, and in such manner as not to obstruct the passage of wagons or other carriages in the streets, and as not to

Carriages for hire, how to stand in streets.

prevent foot passengers from crossing a street in the direction and line of a footway on the side of any other street; provided, that nothing herein contained shall conflict with the provisions of sections 12 and 24 of this Article.

Ord. 144, June 19, 1890. City Code, (1893) Art. 8, Sec. 14.

Duty of
drivers.

14. Every driver or person having charge of any cart, dray or other carriage, whilst occupying any stand and unemployed, shall sit in such carriage, or stand near thereto with the reins in his hands, or in such manner as to have the same within his reach.

City Code, (1879) Art. 8, Sec. 15. City Code, (1893) Art. 8, Sec. 15.

Where vehicles
may stand at
night.

15. It shall be lawful for the owner or owners of any cart, dray or other vehicle to suffer the same to remain before the premises in which they live, during the night; except on Sunday; provided, that not more than eight feet of any street or alley shall be thus occupied.

City Code, (1879) Art. 8, Secs. 15, 16. Ord. 144, June 19, 1890.
City Code, (1893) Art. 8, Secs. 14, 15, 16.

Not to occupy
streets on
Sunday nor
seek
employment.

16. No owner or driver of any carriage of pleasure for hire or pay within the city, shall take a stand, or move to and fro in any of the streets, lanes or alleys of the city waiting or seeking for hire or employ, on the Sabbath day, except by special permission of the Mayor; and it shall not be lawful for any person or persons to permit any cart, dray or other vehicle to remain in the streets, lanes and alleys of the city on the Sabbath day; nor shall any person drive or stand with any wagon, cart, dray or other vehicle, or feed horses on any paved street, lane or alley of the city on the Sabbath day.

City Code, (1893) Art. 8, Secs. 14, 16. Ord. 8, February 13, 1894.

Penalty for
violating
three preced-
ing sections.

17. Any owner or owners, or any servant or agent of the owner or owners of any of the vehicles mentioned in sections 11 to 16 inclusive, who shall violate any of the

provisions thereof, shall pay a fine of five dollars for each and every offense; said fines to be collected as other fines for violations of city ordinances are now collected; provided, however, that the provisions of the two next preceding sections shall not apply to wagons and horses in the service of the United States or State of Maryland.

Not to apply
to wagons of
U. S. or of
State of
Maryland.

POLICE REGULATIONS.

City Code, (1879) Art. 8, Sec. 17. City Code, (1893) Art. 8, Sec. 17.

18. No carriage, wagon or other vehicle, shall be allowed to stand in any of the streets so as to obstruct the passage of the city passenger railway cars; and no driver of any vehicle, having sufficient space to turn out of the way of said cars, who shall refuse to do so after being requested, shall, with those violating the first provision of this section, forfeit and pay the sum of five dollars for each and every offense, to be recovered as other fines and forfeitures are now collectible.

Obstructing
street cars.

Ord. 76, June 5, 1883. City Code, (1893) Art. 48, Sec. 82.

19. Any driver or drivers of any vehicle on wheels in the city of Baltimore, driving in the streets of said city, with the rear or left hand wheel or wheels of such vehicle or vehicles, in the off or outside track or rail of any railroad, with the off or right hand wheel or wheels swung or running between said rail or track and the curb, shall be subject to a fine or penalty of two dollars (\$2.00) for each square or block so driven, for each and every offence; said fines to be collected as other fines are collected.

Driving vehi-
cles on
railway
tracks.

City Code, (1879) Art. 8, Sec. 18. City Code, (1893) Art. 8, Sec. 18.

20. Every driver of a hack or other vehicle, who shall crack a whip upon the pavement adjacent to the public stands, shall forfeit and pay for every such offence the sum of one dollar.

Cracking
whips near
stands.

City Code, (1879) Art. 8, Sec. 19. City Code, (1893) Art. 8, Sec. 19.

How vehicles
shall stand.

21. It shall not be lawful for any wagon or other carriage to be placed or stand across any street, lane or alley, in the city, or in any other position except with the length parallel to the side of the street, lane or alley in which it may be ; and the owner or driver of any wagon or other carriage placing the same or permitting it to stand in any other position than that above described, shall forfeit and pay the sum of two dollars ; provided, that any wagon or other carriage of burden may, during the time of loading or unloading, with shaft horses only, in the day time, stand in a position convenient for those purposes for any necessary space of time, not exceeding three hours, without the owner or driver thereof incurring the penalty aforesaid ; but nothing in this proviso contained shall authorize the placing of any wagon or other carriage in any position which will prevent the passage of any wagon, cart or other carriage.

Proviso.

City Code, (1879) Art. 8, Sec. 20. City Code, (1893) Art. 8, Sec. 20.

Not to stand
across flag
stones.

22. It shall not be lawful for any person to place any carriage of any description whatever, upon or across any of the flag or stepping stones, placed for the convenience of foot passengers across any street, lane or alley in the city ; and every driver of any carriage whatever, shall promptly remove his carriage from the same, upon demand of any person, under a penalty of five dollars.

City Code, (1879) Art. 8, Sec. 21. City Code, (1893) Art. 8, Sec. 21.
Ord. 57, May 14, 1898.

Vehicles not
within mar-
ket limits on
market days,
not to be
placed in
front of any
premises
without con-
sent of
owner.

23. If any owner or driver of any wagon, cart or other carriage shall place such wagon, cart or other carriage, or any horse on any street, lane or alley of the city other than the streets, lanes and alleys within the limits of the several markets on market days, so as to prevent the access of any other carriage to the kerb stone in front of any building, against the consent of any owner or occupier of such building, or if such owner or owners, upon being required to move his cart, wagon or other carriage or

horse, (providing his horse is not in a shop being or to be shod,) by the owner or occupier of such building, or by Penalty. any police officer, shall refuse or neglect so to do immediately, he shall forfeit and pay for every such offence the sum of five dollars ; and it shall be lawful for the owner or occupier of such building to remove the said cart, wagon Owner may remove same. or other carriage, horse or horses ; and every person who shall obstruct the said owner or owners, shall forfeit and pay the sum of five dollars for each offence.

City Code, (1879) Art. 8, Sec. 22. City Code, (1893) Art. 8, Sec. 22.

24. Excepting within the limits of the several markets, How long vehicles or horses not in use may stand in streets. and in accordance with the Article, entitled Markets and unless otherwise provided in this Article, no person shall place any wagon, cart or other vehicle licensed by the city, or owned in the city of Baltimore, or any horse, mare or gelding belonging to the same, on any of the streets, lanes or alleys of the city, when not in direct and absolute use at the time, to remain there for a longer time than two hours, under a penalty of three dollars for each and every offence ; and all carriages, wagons, carts, drays and other vehicles, upon their stands by authority of the Mayor shall be considered as in use under this section.

City Code, (1879) Art. 8, Sec. 23. City Code, (1893) Art. 8, Sec. 23.

25. No driver of any vehicle upon the streets of the city shall drive so close to any vehicle in front, that there shall be less than ten feet between the rear of said vehicle in front and the head of the horse of the vehicle in the rear at all crossings, under a penalty of not less than two dollars nor more than five dollars, at the discretion of the Justice of the Peace, for each and every offence, to be recovered as other fines are recoverable ; provided, that this section shall not apply to funerals or other processions. Distance between vehicles in driving.

City Code, (1879) Art. 8, Sec. 24. City Code, (1893) Art. 8, Sec. 24.

26. It shall not be lawful for any person to ride or Driving or riding across line of funerals drive any horse or horses across the line of a funeral

procession in the streets, lanes or alleys of the city, under a penalty for each and every offence of two dollars.

City Code, (1879) Art. 8, Sec. 25. City Code, (1893) Art. 8, Sec. 25.

Unauthorized
use of
vehicles.

27. If any person shall enter upon or into any vehicle or conveyance, or remain therein, or drive or remove the same from the place where the same may then be, without the authority or permission of the owner or the party in charge thereof, such person so entering, remaining, driving away or removing without authority or permission as aforesaid, shall be subject to a fine of not less than one dollar, nor more than twenty dollars; to be collected as other fines and penalties are collected.

Ord. 4, February 3, 1879. City Code, (1893) Art. 8, Sec. 26.

Unauthorized
riding on
locomotives
or vehicles.

28. It shall not be lawful for any unauthorized person or persons to ride on locomotives, tenders or cars of steam railroads, street cars, stages, omnibuses, hacks, or any licensed conveyance for passengers, or merchandise, on any street, lane or alley opened for public use within the limits of the city of Baltimore under a penalty of one dollar for each offence, to be recovered as other fines and penalties are now recoverable; provided, however, that the provisions of this section shall not apply to newsboys pursuing their vocation.

RULES OF MAYOR.

City Code, (1879) Art. 8, Sec. 37. City Code, (1893) Art. 8, Sec. 38.

Penalty for
violating.

29. Every person violating any rule made by the Mayor in virtue of this Article, shall be subject to a penalty of two dollars for each offence, unless some other penalty is herein provided for the offence.

STANDS FOR CARRIAGES, CARTS, &C.

City Code, (1879) Art. 8, Sec. 41. City Code, (1893) Art. 8, Sec. 42.

Charles street,
stands on,
forbidden.

30. It shall not be lawful for licensed carriages of pleasure, commonly called hacks, to stand upon the bed of

Charles street, between Camden and Lombard streets; and any person offending against the provisions of this section, shall forfeit and pay the sum of five dollars for each and every offence; to be recovered as other fines and forfeitures are now recoverable.

City Code, (1879) Art. 8, Sec. 42. City Code, (1893) Art. 8, Sec. 43.

31. It shall not be lawful for any carriage or carriages, of any description whatever, to stand on that part of Bowly's wharf south of a right line with the north side of Camden street, or on that part of Light street which lies between Pratt and Lee streets, longer at any one time than the same can be loaded or unloaded, under a penalty of two dollars for each and every offence.

Bowly's wharf
and Light
street wharf
same.

Ord. 59, May 5, 1885. City Code, (1893) Art. 8, Sec. 44.

32. The Mayor is hereby authorized and requested to designate stands for licensed carriages of pleasure and burden and package carts, out of Baltimore street and that part of Pratt street which lies between South and Hanover streets, and Liberty street north of Fayette street; and no person shall take any stand not so designated, with a licensed carriage of pleasure or burden or a package cart, under a penalty of not less than one nor more than five dollars; provided that the Mayor shall not designate stands for carts in any street except at the south end of Broadway and in Camden, Conway, Barre and Lee streets, east of Charles street, and at the lower end of Centre market space.

Mayor may
designate
stands.

Penalty for
standing at
unauthorized
places.

City Code, (1879) Art. 8, Sec. 44. City Code, (1893) Art. 8, Sec. 45.

33. It shall not be lawful for any horse, wagon or other vehicle to occupy or remain upon any of the following streets, to wit: Hanover street from Conway street to Lombard street; Camden street from Charles street to Howard street; Sharp street from Conway street to Pratt street, and Dover street from Hanover street to Sharp street, during the following days to wit: Mondays, Thursdays and Saturday afternoons and evenings.

Certain streets
near Hanover
Market, not
to be oc-
cupied by
horses, etc.

City Code, (1879) Art. 8, Sec. 45. City Code, (1893) Art. 8, Sec. 46.

Vehicles from
which arti-
cles are sold.

Regulations.

34. In order that the provisions of the next preceding section shall not interfere with those persons who have been in the habit of occupying said streets on said occasions, with a cart, wagon or other vehicle, for the purpose of selling or vending therefrom any article or articles, said carts, wagons, or other vehicles, so occupying said streets, for the purpose aforesaid, are hereby excepted from the provisions of the next preceding section; provided, however, the said carts, wagons or other vehicles, shall be so arranged as to preserve between every two vehicles, an open space of not less than four feet, for the purpose of a passage-way for the accommodation of the public; and provided, further, that the shafts of said carts shall not extend more than one foot beyond the curb, and the shafts of said wagon or other vehicle shall be unshipped; and provided further, that such carts, wagons or other vehicles occupying the south side of Camden street for the sale of articles, shall be so placed that the articles sold therefrom can be purchased from the pavement or sidewalk.

City Code, (1879) Art. 8, Sec. 46. City Code, (1893) Art. 8, Sec. 47.

Agreement
with owners
of property.

35. The owners and occupiers of the property upon the line of the street or streets upon which it is designed to reverse the carts, wagons and other vehicles, as a stand or stall for the sale of any articles, shall enter into an agreement with the Mayor and City Council of Baltimore, consenting thereto, and allowing the parties making sales from said carts, wagons or other vehicles, the use of two feet of the pavement next the kerb stones in front of their property; and no vehicle shall be allowed to remain standing on the bed of Sharp street as a stand or stall for the sale of any articles.

City Code, (1879) Art. 8, Sec. 47. City Code, (1893) Art. 8, Sec. 48.

Vehicles not
used to sell
from.

36. Any person or persons having in charge any cart, wagon or other vehicle not intended to be used to sell from, shall be permitted to remove the same to some of the

adjoining streets, and so arrange them upon the centre or crown thereof as to cause no obstruction to the free passage of all vehicles upon either side of the same. Any person or persons violating the provisions of this and the three next preceding sections, shall be subject to a penalty of five dollars for each and every offense, to be collected as other city fines and forfeitures are collected.

City Code, (1879) Art. 8, Sec. 48. City Code, (1893) Art. 8, Sec. 49.

37. Wood carts are not permitted to occupy Camden street, between Charles and Light streets, as a stand, under a penalty of five dollars for each offense; but Conway street, between Charles and Light streets, is hereby designated as a stand for said carts.

Prohibiting
wood carts
on Conway
street.

City Code, (1879) Art. 8, Sec. 49. City Code, (1893) Art. 8, Sec. 50.

38. It shall not be lawful for any person or persons to use the bed of German street, between Howard and Eutaw streets as a furniture wagon stand, under a penalty of five dollars for each offense, to be recovered as other fines are recoverable; but the bed of German street, between Eutaw and Paca streets, may be so used.

German street,
prohibiting
furniture
vans on; ex-
ception.

City Code, (1879) Art. 8, Sec. 50. City Code, (1893) Art. 8, Sec. 51.

39. It shall not be lawful for any hack, carriage or other vehicle for hire, to stand or be moving about Monument square, or on Calvert street between Baltimore and Lexington streets, nor on Fayette street, between St. Paul and North streets, except when actually employed; provided that not more than four rows of hacks not exceeding five in a row, may stand north of the Battle Monument, with their horses' heads facing to the south, and not less than fifteen feet north of the chain around the Monument, thirty feet south of the flagstones across the south side of Lexington street, and thirty feet from the kerbstones on the east and west sides of Monument square; each and every

Hacks not to
stand in
Monument
square, etc.

person violating the provisions of this section shall be fined not less than two nor more than four dollars for each and every offence, to be collected as other fines and forfeitures are now collected.

Res. 3, November 17, 1887. City Code, (1893) Art.8, Sec. 52.

Union station,
stand at.

40. The portion of Charles street in the immediate vicinity of the Union depot is hereby designated as a stand for hacks and carriages; provided, the said hacks and carriages are confined for their stand to the west side of the street railway tracks, as laid on said street.

Fines and
penalties.

41. All fines⁷and penalties incurred by the violation of any of the provisions of this Article, for the recovery of which no provision is made herein, shall be recovered as other fines imposed for the violation of city ordinances are recoverable, and when collected shall be paid to the Comptroller.

ARTICLE V.

CITY SOLICITOR.

ORDINANCES.

Examination of Titles.

1. To be made by Assistant City Solicitor assigned to such work; no contract to purchase any interest in land, or money to be paid until examination made; Assistant City Solicitor to certify his approval.
2. Assistant City Solicitor to report information respecting owner-

ship of property to city officials interested; his duty in cases of appeals from Commissioners for Opening Streets; his notes and memoranda to be passed over to City Solicitor when vacating office; further duties of Assistant City Solicitor assigned to the examination of titles.

3. Assessing expenses of examination of titles in street cases.

EXAMINATION OF TITLES.

City Code, (1879) Art. 13, Sec. 11. City Code, (1893) Art. 13, Sec. 15.

1. In relation to the examination of titles on behalf of the city, the duties of the Assistant City Solicitor who shall have charge, subject to the direction and control of the City Solicitor, of the examination of all titles on behalf of the city, shall be as follows: Whenever it may be proposed on the part of the Mayor and City Council of Baltimore, by ordinance or resolution, to purchase, condemn or acquire any land or interest therein, it shall be the duty of the said Assistant City Solicitor to make, or caused to be made, an examination of the title thereto, and no contract shall be made or money paid on account of such purchase, condemnation or acquisition except on the approval by the said Assistant City Solicitor of the title, and, in cases of approval by the said Assistant City Solicitor, he shall, before submitting to the City Solicitor for his approval the deeds or other instruments of writing, which he shall prepare or have prepared, intended to transfer or convey any land or any interest therein to the Mayor and City Council of Baltimore, certify thereon his said approval of the form and legal sufficiency of said deeds or other instruments of writing.

To be made by Assistant City Solicitor assigned to such work.

No contract to be made or money paid until made.

Assistant City Solicitor to certify his approval.

City Code, (1879) Art. 13, Sec. 12. City Code, (1893) Art. 13, Sec. 16.

2. The said Assistant City Solicitor shall, under the direction and control of the City Solicitor, as soon as practicable after the passage of any ordinance authorizing any condemnation, report to the City Solicitor, the Commissioners for Opening Streets, or the other municipal officials, officers, agencies or agents empowered to make the same, full information respecting the ownership of the property which it may be proposed to condemn, setting forth where the same is not held in fee simple the several interests or estates therein; in all cases of the examination of titles careful notes and abstracts of the same shall be made. He shall also report to the City Solicitor in writing all information which may be called for by him relating to the titles to any property which may be involved in the

Assistant City Solicitor to report information respecting ownership of property.

His duty in cases of appeals from Commissioners for Opening Streets.

Notes and memoranda to be passed over to City Solicitor when vacating office.

Further duties of Assistant City Solicitor examining titles.

trial of appeals from the Commissioners for Opening Streets, or in other proceedings of condemnation by the city ; and shall make and report all examinations of title that may be required by the City Solicitor in the trial of any suit or proceeding to which the city may be a party, or which may otherwise be needed by the City Solicitor on behalf of the city, or of any municipal official, officer, agency, employe, servant or agent of the city, and, on said Assistant city Solicitor ceasing to hold office, whether by expiration of his term or otherwise, all notes and memoranda of any examination of titles on behalf of the city in his possession or under his control, whether completed or not, shall be passed over to the City Solicitor. The said Assistant City Solicitor shall discharge such other duties in relation to the examination of titles on behalf of the City as may be assigned to him by the City Solicitor.

Ord. 39, April 14, 1887. City Code, (1893) Art. 13, Secs. 17 and 18.

Expenses of examination of titles in street cases.

3. The expenses incurred by the City Solicitor in the employment, and in connection with the employment, of persons to aid said Assistant City Solicitor in the examination of titles, shall, in the matter of laying out, opening, widening, straightening or closing up, in whole or in part, any street, lane, road, alley or square, be assessed by the Commissioners for Opening Streets as part of the expenses in each case of any street, lane, road, alley or square as aforesaid, as the other expenses in the premises are now required to be assessed.

ARTICLE VI.

COMPTROLLER AND CITY REGISTER.

ORDINANCES.

Comptroller.

Accounts.

1. Bond of Comptroller.
2. To examine and settle accounts settlement of which is not otherwise provided for; to report on same.
3. To supervise fiscal concerns of all city officials; may require accounting from such officials; to charge City Collector with annual levy.
4. To open accounts with all municipal officials; to report to Mayor when such account is overdrawn; custodian of city property; to certify to claims and demands on City Register; to certify bonds of officials, and pay-rolls and salaries.
5. Comptroller and City Register not to pass bills until provision made for payment.

Insurance.

6. To represent city where insured city property is destroyed by fire.
7. No property of city within city limits to be insured; property without limits to be insured.
8. To insure Polytechnic Institute.

Purchases and Sales of Property to Secure Taxes.

9. To bid at sale of property sold for taxes; limit of such bid.
10. To sell property so acquired.
11. To pay taxes due on such property to City Collector and any surplus to City Register.

Refuse Material.

12. To keep account of all refuse materials in hands of city officials; to sell same; to pay proceeds to City Register.
13. Duty of city officials in relation to such property.
14. Separate account for refuse material.

Deputy Comptroller.

15. His bond; oath.
16. Compensation; to perform duties of clerk to Board of Estimates.

Subordinates.

17. Salaries of subordinates; their bonds; extra assistance authorized; limit of expense thereof.

License and Market Detective.

18. Appointment; duties; to keep accounts; compensation.

City Register.

19. Bond; approval of bond; Mayor to be custodian of bond.

Deputy Register.

20. Duties of Deputy Register; bond; oath.
21. To act in absence of City Register.
22. Filling vacancy in office of City Register; successor to give bond.

Duties of City Register.

23. To record appointments; custodian of city monies; to deposit funds in city depositories; interest on deposits; to pay properly endorsed claims on city; to keep records of disbursements; to report to City Council monies received and expended; financial estimate to City Council; to exhibit accounts to Mayor.
24. Temporary loans to meet corporate needs.
25. Office hours.

26. Subordinates of City Register; their salaries.

27. Fees and perquisites to be paid into city treasury; exceptions.

28. To make two alphabetical lists of streets and add thereto future changes in names.

Accounts.

29. To adopt such a system of accounts as will protect city; no money to be paid except on warrant of Comptroller; all monies to be turned over to Comptroller; proviso.

30. Office hours of disbursing officers; to be in their offices on Tuesdays and Fridays particularly.

31. Written order or authority required for all municipal work or supplies.

32. Official memoranda of such work and supplies furnished, to be kept; memoranda to be open to inspection.

33. Comptroller not to honor bills for work or supplies except on written order.

COMPTROLLER.*Accounts.*

City Code, (1879) Art. 11, Sec. 1. Ord. 3, February 2, 1881. City Code, (1893) Art. 11, Sec. 1. Ord. 33, March 9, 1896.

1. The Comptroller before entering upon his duties, shall execute to the Mayor and City Council of Baltimore a good and sufficient bond, to be approved by the Mayor, in the sum of ten thousand dollars, conditioned for the faithful discharge of his duties.

City Code, (1879) Art. 11, Sec. 2. City Code, (1893) Art. 11, Sec. 2.

2. It shall be the duty of said Comptroller to examine, audit, adjust and settle all accounts whatsoever in which the corporation is concerned, either as debtor or creditor, where provisions for settlement thereof is made by law, and the settlement of which is not especially committed by ordinance to some other authority; and where no such provision, or insufficient provision has been made, he shall examine such accounts, and report to the City Council, through the Mayor, the facts relating thereto, with his opinion thereon.

To examine
and settle
accounts.

City Code, (1879) Art. 11, Sec. 3. City Code, (1893) Art. 11, Sec. 3.

3. The said Comptroller shall supervise the fiscal concerns of all the municipal officials, officers, and agents of the corporation which shall receive or disburse the public moneys, or which are charged with the management or custody thereof, and may require at any time from said municipal officials, officers and agents, an account, in writing, of any moneys or property of the corporation in their hands or under their control; he shall also annually charge the City Collector with the amount of the annual levy, and credit him with the amount received as having been collected on such levy.

To supervise
fiscal con-
cerns of all
city officials.

May require
accounting

Annual levy.

City Code, (1879) Art. 11, Sec. 4. City Code, (1893) Art. 11, Sec. 4.

4. The Comptroller shall open accounts for appropriations with all the municipal officials, officers and agents of the city government, and report immediately to the Mayor when any such municipal officials, officers and agents shall overdraw or exceed his, its or their appropriations; he shall keep the titles to all property owned by the city, and see that the property of the city is maintained in good condition and that that part of it lying without the limits of the city is regularly insured; he shall certify to the correctness of all claims, of whatsoever description, upon which money is due, and no check shall issue but upon his endorsement of its correctness, which shall be authority

To open ac-
counts with
all municipal
officials.

Custodian of
city prop-
erty.

Claims and
monies.

Bonds of
officials.

Pay-rolls and
salaries.

to the City Register to issue his check, to be countersigned by the Mayor or City Comptroller pursuant to the provisions of section 20A of the City Charter; he shall examine into and certify the sufficiency of all bonds required to be taken by the Mayor as provided by Section 20A of the City Charter; he shall examine and certify to the correctness of all pay-rolls and salaries of all municipal officers of every grade, affidavits being made in all cases where required, before a Justice of the Peace, or other public officer authorized to take affidavits under the laws of this State, before said pay-rolls are submitted for settlement.

When to pass
bills, etc.,
duty of
Comptroller
and City
Register.

City Code, (1879) Art. 11, Sec. 5. City Code, (1893) Art. 11, Sec. 5.

5. The Comptroller and City Register shall not accept, pass, settle or pay any bill or order, in their departments, for public improvements, unless due provision has been made for the payment of the same by an act of legislation making an appropriation for such purpose.

Insurance.

City Code, (1879) Art. 11, Sec. 6. City Code, (1893) Art. 11, Sec. 6.

To represent
city where
insured city
property is
destroyed by
fire.

6. The Comptroller is authorized to represent the city in all cases where damage has or may occur from fire to any property of the corporation, which may have been insured; and any moneys that may be awarded to the city by reason of loss from fire, shall be paid into the city treasury.

City Code, (1879) Art. 11, Sec. 7. City Code, (1893) Art. 11, Sec. 7.

What property
is to be
insured.

7. Hereafter the Comptroller is authorized and directed, to cease insuring the property owned by the city and lying within the corporate limits from loss or damage by fire; provided, however, that nothing herein shall prevent the said Comptroller from taking proper precautionary measures to insure and keep insured all property owned by the city lying without the limits of the city of Baltimore.

Res. 20, February 5, 1891. City Code, (1893) Art. 11, Sec. 8.

8. The Comptroller is authorized and directed to effect insurance from loss by fire in a sufficient sum to protect the city's interest, upon the Baltimore Polytechnic Institute, upon such terms as in his judgment may be advantageous for the city, the amount of such insurance premiums to be taken out of any money in the city treasury.

To insure
Polytechnic
Institute.

Purchases and Sales of Property to Secure Taxes.

City Code, (1879) Art. 11, Sec. 8. City Code, (1893) Art. 11, Sec. 9.

9. The Comptroller is hereby authorized and directed, when in his opinion the interests of the city require it, to bid for account of the Mayor and City Council of Baltimore, on any real or leasehold property offered at public sale by the City Collector to pay taxes in arrears due the city of Baltimore and State of Maryland, to such amount, as he may deem necessary to pay said taxes, together with interest and expenses due and chargeable thereon, and no more.

To bid for
property sold
for taxes.

City Code, (1879) Art. 11, Sec. 9. City Code, (1893) Art. 11, Sec. 10.

10. The Comptroller is hereby authorized and directed to sell for cash, any property that may be purchased by him as aforesaid, and not redeemed within the time limited by law and ordinance, in such way as he may think best, and as soon as practicable, deliver to the purchaser or purchasers a deed for the city's interest in the same; provided, however, the said property shall be sold for a sum not less than the amount of taxes, together with all costs, charges and interest due and chargeable thereon.

To sell such
property.

City Code, (1879) Art. 11, Sec. 10. City Code, (1893) Art. 11, Sec. 11.

11. The Comptroller is hereby directed, as soon as he has received the money for the property sold by him as set forth in the next preceding section, to pay over to the City Collector the amount of taxes, together with all interest and charges due and chargeable on said property on the books of the City Collector, and any balance that

To pay taxes
thereon.

may be left, after paying the costs and expenses incurred by the Comptroller in the purchase and sale of said property, shall be by him paid over to the City Register and pass into the city treasury.

Refuse Material.

City Code, (1879) Art. 11, Sec. 11. City Code, (1893) Art. 11, Sec. 12.

To keep account of refuse materials.

12. It shall be the duty of the Comptroller to take charge of and keep an account of all refuse material that may accumulate on the hands of the City Engineer and other municipal officials, officers, and agencies of the city, the articles laid aside as useless by him, it or them to be taken charge of and accounted for by him, it or them having supervision of the same. And it shall also be the duty

And sell same.

of the Comptroller to dispose of at private or public sale, to the best advantage, all old metal and refuse materials of every kind, and pay the proceeds over to the City Register, specifying at the same time the articles, price, and to whom sold.

Monies therefrom.

City Code, (1879) Art. 11, Sec. 12. City Code, (1893) Art. 11, Sec. 13.

Duty of city officials in relation to.

13. The City Engineer and other persons having city property under their charge, shall set aside, on or before the first day of each month, such old metal and other materials as mentioned in the next preceding section, and deliver same to custody of the Comptroller, they taking and keeping an account thereof.

City Code, (1879) Art. 11, Sec. 13. City Code, (1893) Art. 11, Sec. 14.

Separate account for.

14. The Comptroller is hereby directed to open a separate account for the department of refuse materials.

Deputy Comptroller.

Ord. 109, October 16, 1888. City Code, (1893) Art. 11, Sec. 16.

Bond of.

15. The Comptroller shall have power to require from the Deputy Comptroller a bond with condition for the

faithful performance of his duties, with such penalty and such security as may be approved by the Mayor, and before he enters upon the duties of his office, the Deputy Comptroller shall take the usual oath.

Ord. 161, February 23, 1899. Ord. 31, December 4, 1905.

16. The compensation of the Deputy Comptroller shall be twenty-five hundred dollars per annum, payable monthly, and he shall perform the duties of clerk to the Board of Estimates. Compensation.

Subordinates.

City Code, (1893) Art. 11, Sec. 18. Ord. 156, October 30, 1896.

Ord. 18, October 28, 1903. Ord. 199, February 20, 1905.

17. The Comptroller is authorized to employ in his office a general bookkeeper at a salary of eighteen hundred dollars (\$1800) per annum, an assistant clerk and inspector of weights and measures at a salary of fourteen hundred dollars (\$1400) per annum, an auditor and harbor master at a salary of fourteen hundred dollars (\$1400) per annum, and an auditor and market master at a salary of fifteen hundred dollars (\$1500) per annum, all payable semi-monthly, and they shall in like manner as the Deputy Comptroller give good and sufficient bond with such penalty and such security as may be approved by the Mayor. The Comptroller is authorized to obtain such extra assistance in his office as may be required, provided the whole expense thereof shall not exceed the sum of six hundred dollars (\$600) per annum. Salaries of subordinates in office of Comptroller.

Bonds.

Extra assistance.

License and Market Detective.

Ord. 20, March 18, 1884. City Code, (1893) Art. 33, Sec. 50.

Ord. 219, March 11, 1905.

18. There shall be attached to the department of the City Comptroller, an officer to be styled the "License and Market Detective," who shall be appointed annually by the Comptroller, and who shall enter upon the discharge of his Appointment.

- Duties.** duties on the first day of March succeeding his appointment in each year. It shall be his duty to enforce all the license ordinances under the advice of the City Solicitor against all such persons as may be delinquent in the matter of taking out licenses. It shall be his duty to enter in a book, to be kept by him for the purpose, summary statements taken from the reports of the clerks of the several markets, that may be made by them to the Comptroller, charging such clerks respectively with all rentals and licenses for all stalls, benches and stands that may be occupied, or under rental or license, and crediting said clerks of markets with such payments of moneys as they may make to the city from time to time on that account; he shall receive for his services twelve hundred dollars (\$1200) per year, to be paid to him as other officers of the city are now paid, and he may at any time be removed from office at the discretion of the Comptroller.
- Accounts to be kept.**
- Compensation.**

CITY REGISTER.

City Code, (1879) Art. 11, Sec. 17. City Code, (1893) Art. 11, Sec. 19.
Ord. 156, October 30, 1896.

- Bond.** **19.** The City Register shall, before he enters upon the duties of his office, execute a bond to the corporation, with such security as the Mayor and presidents of the respective branches of the City Council may approve, in the penal sum of fifty thousand dollars, and with the condition that he will faithfully discharge his duties and the trust reposed in him, which bond shall be deposited by the Mayor in such fire-proof vault as he may select during his term of office, and at the expiration thereof, be delivered by him to his successor.
- Mayor to be custodian of.**

Deputy Register.

City Code, (1893) Art. 11, Sec. 20. Ord. 119, November 21, 1898.

- His duties.** **20.** The Deputy Register shall perform all such duties of the office as the City Register shall from time to time prescribe and direct, for whose acts the City Register

shall be held responsible; the City Register shall have power to require from the Deputy Register a bond with condition for the faithful performance of his duties in such penalty and such security as he may deem proper, and before he enters upon the duties of his office, the Deputy Register shall take the usual oath.

Bond.

Oath.

City Code, (1879) Art. 11, Sec. 21. City Code, (1893) Art. 11, Sec. 21.

21. In the event of the necessary absence of the City Register from sickness or other cause, the said Deputy Register shall have full power and authority to exercise and perform all the duties of the City Register.

To act in absence of City Register.

City Code, (1879) Art. 11, Sec. 20. City Code, (1893) Art. 11, Sec. 22.

22. In case of a vacancy occurring in the office of the City Register, the person elected to fill such vacancy, shall, before he enters upon the duties of his office, execute a bond in the same manner as provided in the case of the City Register.

Vacancy in office of City Register.

Duties of City Register.

Ord. 6, March 14, 1888. Ord. 3, December 5, 1889. Ord. 5, February 12, 1890. City Code, (1893) Art. 11, Sec. 24.
Ord. 47, March 1, 1904.

23. The City Register shall record, or cause to be recorded, in a book or books, all appointments of each and every officer of the corporation; and shall take under his charge all money now belonging to or which may hereafter belong to the corporation, and shall immediately deposit the same in the name of the Mayor and City Council of Baltimore in the depository banks for city funds, which shall be selected by the Commissioners of Finance, and which they shall certify to the City Register, and it shall be the duty of the Commissioners of Finance in making such selections to make such agreement with the banks selected with regard to compensating the city either by

Appointments to be recorded.

Custodian of city monies.

Depository banks.

Interest on deposits.

service in payment of the city interest or some rate of compensation in the shape of interest on the balances belonging to the city as in their judgment will be to the best interests of the city; and the City Register is hereby directed, upon endorsement of their correctness by the Comptroller, to make all payments with checks on said banks, countersigned by the Mayor, and drawn to the order of some person or persons having authorized claims against the city, and for the exact amount thereof, which he shall regularly enter in a bank book, particularly stating the date, the name of the person or persons and the amount; and it shall be his duty to keep regular and correct accounts, in a book or books, in folio, of all money received and expended by him on account of the city, particularly stating, under proper heads, the specific objects, whence received and for what expended; and he shall annually lay before the City Council, as soon after the thirty-first day of December as practicable, his account of all moneys received and expended by him during the past year, supported by proper vouchers; also a statement of the estimated receipts and payments required for the current year, and any other information connected with the finances of the city which may be calculated to aid the City Council in their deliberations upon the subject; and, when required by the Mayor, he shall exhibit to him his accounts and vouchers, his bank books and crossed checks.

Payment of claims against city.

Disbursements.

Report to City Council of monies received and expended.

Financial report to City Council.

Mayor may audit accounts.

City Code, (1879) Art. 11, Sec. 23. City Code, (1893) Art. 11, Sec. 25.

Temporary loans to meet corporate needs.

24. In anticipation of the receipts of taxes levied for any year, the City Register, with the approval of the Mayor, may temporarily borrow money for the use of the city for any of its corporate purposes.

City Code, (1879) Art. 11, Sec. 27. City Code, (1893) Art. 11, Sec. 29.

Office hours.

25. The City Register shall attend at his office in the City Hall every day (Sundays excepted) from nine o'clock in the morning to three in the afternoon, unless prevented by sickness or other unavoidable cause.

Ord. 4, February 26, 1885. Ord. 53, April 21, 1890. Ord. 57, April 21, 1892. City Code, (1893) Art. 11, Secs. 30, 30A. Ord. 17, October 28, 1903. Ord. 206, February 21, 1905.

26. The City Register is authorized to employ in his department a chief clerk, whose compensation shall be seventeen hundred dollars per annum, a clerk who shall be stock clerk and clerk to the Board of Awards, whose compensation shall be sixteen hundred dollars per annum; an additional clerk whose salary shall be nine hundred dollars per annum; and an assistant clerk, whose salary shall not exceed twelve hundred dollars per annum.

Subordinates
of City
Register and
salaries.

City Code, (1879) Art. 11, Sec 29. City Code, (1893) Art. 11, Sec. 31. Ord. 53, April 19, 1892.

27. All fees or perquisites of or appertaining to the office of the City Register, or allowable to the City Register or Deputy Register under the statutes of the State, or ordinances of the corporation of Baltimore (except the payment made to the City Register by the State Treasurer, under the authority of section 155 of the City Charter and the payment made to the Deputy Register under the authority of section 41 of the City Charter), shall be paid into the city treasury.

Fees to be paid
into city
treasury.

Ord. 110, May 31, 1894.

28. The City Register shall make two alphabetical lists of all streets, lanes and alleys, whose names have been changed in whole or in part from the names on Poppleton's official map of Baltimore city, and from time to time he shall at once add to said lists all future changes in the names of streets, lanes, avenues, places and terraces within the present boundaries of the city of Baltimore; said lists to contain the former names immediately below the new names of all such streets, lanes, alleys, avenues, places and terraces so changed; one copy of said lists to remain in his office, and one copy to be given to the Clerk of the Superior Court of Baltimore City, to be posted in his office in public view.

To make two
alphabetical
lists and to
add thereto
all future
changes in
the names
of streets,
lanes, etc.

ACCOUNTS.

City Code, (1879) Art. 11, Sec. 30. City Code, (1893) Art. 11, Sec. 32.

System of
accounts to
be adopted.

29. The Mayor, Comptroller and City Register are requested to adopt a system of keeping the accounts in the different branches of the city government, as will fully protect all the interests of the city, and to devise a system of checks by which each branch of the city government shall be held responsible for all its receipts and expenditures. No money shall be paid out for any purpose in any of the branches of the city government, except through the warrant of the Comptroller upon the City Register, and all moneys received for any object or purpose whatever, unless otherwise provided by law or ordinance, shall be turned in to the Comptroller, and by him delivered in turn to the City Register.**

All monies to
be paid to
Comptroller.

Proviso.

Robb v. Carter, 65 Md. 321.

**For the due execution of sections 29 and 30, the following rules were adopted by the Mayor, Comptroller and City Register on February 19, 1877.

1st. That the several departments of the city government, whenever the sum of money received by them respectively shall amount to five hundred dollars, shall report the same to the Comptroller, specifying the source or sources from which it was received, and obtain from him a receiving warrant to pay such money to the City Register. Provided that no department shall be required to make more than one payment on any one day; and provided further, that all the departments that may receive money as revenue shall on the first Wednesday of each month, pay over to the City Register, on the receiving warrant of the Comptroller, such sum as may respectively be in their possession.

2nd. That each department shall take duplicate bills of every item of expense it may contract for or incur, one of which shall be retained and filed in the department, and the other bill or voucher, with a warrant from such department on the Comptroller for the payment of the same, shall be sent to the Comptroller. Provided, that the pay rolls of each department may be drawn in favor of its proper accredited officer; such pay roll, however, to be filed in the office of the Comptroller as are other bills or vouchers; and provided further, that in cases of contracts in which money may be payable on account, the department having a contract in charge, shall take duplicate receipts, one of which shall be retained, and the other, with a warrant on the Comptroller, shall be sent to that officer.

City Code, (1879) Art. 11, Sec. 31 City Code, (1893) Art. 11, Sec. 33.

30. The municipal officials who are charged with the duty of issuing warrants and checks in favor of the creditors of the city are imperatively required to be present in their respective offices on Tuesday and Friday of each week, from 9 o'clock A. M. to 2 o'clock P. M., in order to discharge, without delay, to the holders of claims against the city, the duties required of them under the next preceding section.

Office hours of
disbursing
officers.

Ord. 85, October 6, 1879. City Code, (1893) Art. 11, Sec. 34.

31. It shall not be lawful for any municipal official, officer, employe, servant or agent of the city of Baltimore, or for any commissioner or board of commissioners elected, or appointed by the Mayor and City Council, to order any work to be done or supplies to be furnished for the use of the city of Baltimore, or of any branch of the city government, unless such order shall be given in writing and signed by the person giving such order.

Written au-
thority for
municipal
work re-
quired.

3d. The offices of the Comptroller and the City Register shall be open on Tuesday and Friday of each week, from 9 o'clock A. M. to 2 o'clock P. M., for the issuing of warrants and the payment of the same, respectively; and that all warrants issued by the departments for the payment of money, with accompanying bills or vouchers, shall if required by the Comptroller, be deposited in his office before 12 o'clock M. on the day preceding the day of payment, to the end that the same may be audited and warrants issued without much detention on the day of payment; provided, that so much of this rule as may require a deposit in advance of the day of payment shall not apply to bills or warrants for the sum of ten dollars or less.

4th. The teachers and officers of the public schools, city officers, officers of the courts, as well as the expenses of the courts, shall be paid as provided by existing laws or ordinances.

5th. Much embarrassment has been experienced in the filing and in the examination of papers on file, in consequence of many bills or vouchers being written on small slips of paper; therefore, no bill or voucher will be recognized at the office of the Comptroller that measures less than seven inches by three and one-half inches, and which is not written in ink.

Ord. 85, October 6, 1879. City Code, (1893) Art. 11, Sec. 35.

Official memo-
randum of
such work
and supplies
to be kept.

32. There shall be kept in the office of each and every municipal official, officer, agency, employe, servant or agent, of the city government, who or which may order work to be done or supplies to be furnished, and for which payment is to be made by the Mayor and City Council of Baltimore, an official copy or memorandum of each and every order issued for work or supplies, with the probable cost of the same, which official copy or memorandum shall at all times be open to the inspection of the Mayor, Comptroller and members of the City Council of Baltimore.

Contents
thereof.

Ord. 85, Oct. 6, 1879. City Code, (1893), Art. 11, Sec. 36.

Comptroller
not to pay
bills except
upon written
orders.

33. It shall not be lawful for the Comptroller to honor any bill or warrant for payment for work done or supplies ordered for the use of the city of Baltimore, or of any municipal official, officer, agency, employe, servant or agent of the city of Baltimore, unless the written order for such work or supplies, signed by the person or persons ordering the same, shall accompany the bill or warrant for payment.

ARTICLE VII.

CONDEMNATION OF PROPERTY FOR
PUBLIC USES.

ORDINANCES.

1. For what public uses property may be condemned, procedure in condemnations; disagreement with owners or when owners are *non-compos*, infants, non-residents, etc.; when summons may issue; renewal of summons; when owners unknown summons may be posted on property; procedure on return of summons; when court may quash petition; may order re-summons when error in proceedings; when proceedings regular may appoint appraisers; duty of appraisers; if appraisers unable to agree, new appraisers to be appointed; exceptions to award; jury trial; as in street appeals; confirmation of award; after award city to pay owners or pay amount of award into court; such payment to vest title in city.
2. Procedure when not expressly provided for by ordinance.
3. Provisions of this Article not to conflict with City Charter.

CONDEMNATION OF PROPERTY FOR PUBLIC USES.

Ord. 46, March 1, 1904. Ord. 60, March 18, 1904.

1. Whenever the said Mayor and City Council of Baltimore shall, by ordinance, authorize or direct any board or commission, agents or agent, persons or person, to acquire for it by condemnation, for a school house, engine house, court house, market, bridge or approach to a bridge, or for the establishment or enlargement of a park, square, garden, or other public place, or for any other public or municipal purpose whatsoever, any land, or any right, title or interest in or to any property of whatsoever description, which may be acquired by the said Mayor and City Council of Baltimore by condemnation proceedings, and

Pertaining to
condem-
nation of
land, etc.

the manner of conducting such condemnation proceedings shall not be otherwise provided for, the said condemnation shall be conducted in the manner following, that is to say :

Manner of conducting condemnation.

A petition shall be filed in the Baltimore City Court in the name of the Mayor and City Council of Baltimore, setting forth a description of the property proposed to be acquired, together with a statement of the purpose for which the same is desired, and that the board, commission, agents, agent, persons or person, authorized to acquire the same are unable to agree with the owner or owners thereof, or that one or more of said owners are under age, *femme covert*, *non compos mentis*, the unknown heirs of some deceased person or persons, non-residents of the city of Baltimore, under some legal disability to contract, or are unknown, whichever may be the fact or facts that cause the condemnation proceedings, and said petition shall contain a prayer that the court will have the said property condemned ; the court shall thereupon pass an order requiring a summons to issue for the owner or owners, or supposed owner or owners of the property, and the husbands and wives respectively of those who may be named, to be served by the Sheriff and to be returned by some day to be named in said order, not less than ten nor more than twenty days from the day of the filing of said petition ; and if the owner or owners, or any of them, be not summoned before the return day of the said summons, the same may be renewed from time to time as often as the court, in its discretion, may think proper ; or, if the said owner or owners, or any of them, are non-residents of the city of Baltimore, or are unknown, or cannot be found upon reasonable inquiry, the court shall order the Sheriff to set up a copy of the summons upon the property, and shall order a notice to said non-resident or non-residents, or unknown owner or owners, or unknown heirs of such deceased person or persons, or the owner or owners who cannot be found and served with summons, to be published twice a week for four successive weeks in two daily newspapers published in the city of Baltimore, requiring them to appear in the said court and defend their interest on or before some day to be named in the

Summons may be renewed.

order, which day shall be not less than six weeks nor more than eight weeks from the day of the signing of the said order. Upon the return of the said summons, or upon the expiration of the time prescribed in said order of publication, or upon the appearance of the owner or owners, or supposed owner or owners of said property, the court shall hear and determine any reasons that may be alleged why said property should not be lawfully condemned for the purpose set forth, and if it appears to the court that any such owner or reputed owners are under any legal disability to make his, her or their defense, the court shall either authorize their duly constituted guardian or committee to appear and defend for them, or shall appoint some suitable person as guardian *ad litem* for them, to appear in their name and defend their rights; if the court shall determine that the property is not subject to condemnation at all, it shall quash the petition; if it shall determine that the proceedings are void for want of a proper notice or summons, which has not been cured by the appearance of the owners or reputed owners of the property, it shall order a re-summons or a re-publication of the order or notice; the court shall at any time have power to permit any amendments in matters of form; if there be no objection to the condemnation of the said property, or if the court shall decide against the validity of any such objection as may be alleged, it shall order and adjudge that such property be subject to condemnation, and shall appoint as appraisers three inhabitants of the city of Baltimore, not in anywise interested in the property to be condemned, nor related to the owner or owners thereof, each of whom shall, before acting, make oath before the Clerk of the Baltimore City Court, or before any officer duly authorized to take affidavits, that he will justly and impartially value the property described in the aforesaid petition, and the interests of the several owners thereof, and as soon as conveniently may be the said appraisers shall assess the value of the property, or the interest or estate therein sought to be condemned, and apportion the same among the various owners thereof, according to the values of their respective interests, and return to the

Return of
summons.

Court may
order a
re-summons.

Appraisers to
assess value
of property.

Baltimore City Court their award of the value of the said property and of the respective interests of the several owners thereof, under their hands and seals, and shall give notice by advertisement twice a week for one week in two of the daily papers published in Baltimore city, that such award has been returned to the Baltimore City Court, and that all persons having an interest therein may show cause, if any they have, why the same should not be confirmed during the ten days succeeding the filing of the said award; and if the appraisers appointed as hereinbefore provided should be unable to agree upon an award, they shall so report to the Baltimore City Court, and new appraisers shall be appointed who shall proceed as above provided; and new appraisers may in like manner be appointed from time to time, until an award shall be agreed upon; the said award shall be in court ten days subject to exception, and either the Mayor and City Council of Baltimore, or any owner or reputed owner of any interest in the property sought to be condemned, whether he shall have previously appeared to the said petition, or shall have been made a party thereto or not, shall have the right to file exceptions to said award, and any person interested in the said property may pray a jury trial on the hearing of the same; upon such exceptions being filed, the court shall, as soon thereafter as conveniently may be, have the same heard, tried and determined in court (before a jury, if requested by either party) in the same manner as appeals in street cases are now heard, and all the taxed costs of such appeal shall be paid by the Mayor and City Council of Baltimore; after the confirmation of all the awards of the said appraisers, to which there are no exceptions, and after the rendition of the verdicts by the juries, and the approval thereof by the Judge of the Baltimore City Court, in all cases where there are such exceptions or appeals, or after judgment rendered by the court upon exceptions and appeals, when no jury trial is requested, the said Mayor and City Council of Baltimore shall either pay to the owner of such property the amount awarded by the jury or appraisers, or pay the same into the clerk's office of the Baltimore City Court, for the use

New appraisers
may be
appointed
from time to
time.

After con-
firmation of
all awards,
etc.

of the respective owners of said property, or of the respective interests therein, and thereupon the Mayor and City Council of Baltimore shall be vested with the title to the said property.

City of Baltimore to be vested with title.

Ord. 46, March 1, 1904. Ord. 60, March 18, 1904.

2. In all cases in which the Mayor and City Council of Baltimore has heretofore by ordinance authorized and directed the acquisition by condemnation of property for its use, and has not prescribed by such ordinance the manner in which condemnation proceedings thereunder shall be conducted, such proceedings, unless otherwise provided by law or ordinance, shall be conducted in accordance with section 1 of this Article.

Acquisition by condemnation.

Ord. 46, March 1, 1904. Ord. 60, March 18, 1904.

3. The foregoing provisions of this Article shall not be construed as conflicting with any provision of the Charter of Baltimore city, or of any existing law, nor as conflicting with, supplanting or altering any existing ordinance of the Mayor and City Council of Baltimore providing the manner in which condemnation proceedings shall be conducted.

This ordinance cannot conflict with City Charter.

ARTICLE VIII.

COURTS.

ORDINANCES.

Judges of Supreme Bench.

1. Judges of Supreme Bench to receive additional salary.

JUDGES OF SUPREME BENCH.

City Code, (1879) Art. 14, Sec. 1. City Code, (1893) Art. 14, Sec. 1.

Additional
salary.

1. There shall hereafter be annually paid by the City Register, out of the city treasury, to each of the Judges of the Supreme Bench of Baltimore city, the sum of five hundred dollars, as an addition to the salaries paid to the said Judges by the State of Maryland, the said sum of five hundred dollars be paid in equal quarterly instalments on the first days of January, April, July and October of each year.

ARTICLE IX.

ELECTRICAL COMMISSION AND
SUBWAYS.

ORDINANCES.

**Electrical Commission of
Baltimore.**

1. Authority to construct a general system of conduits under the streets, etc.

Chief Engineer.

2. Commission to employ; his compensation; must be an electrical expert.

Subordinates.

3. Authority to employ assistants.

Labor and Materials.

4. To employ labor and purchase materials as may be necessary; registered voters only to be employed.

Contracts.

5. Commission to have prepared plans and specifications of work to be performed; to advertise for proposals.

*Powers of Electrical Commission
and Use of Subways.*

6. To require all wires to be placed under ground; to enforce ordinances to this end.
7. To rent space in conduits to any applicant; proviso.
8. Over-head wires to be placed under-ground by owners of same on requirement of Commission.

9. Time limit within which such order of Commission must be complied with; penalty for non-compliance.

10. Commission may chop down poles on failure of owners to remove same.

11. Commission to serve notice upon the president or general manager of companies maintaining over-head wires to furnish plans of wires, etc.; penalty for failure to furnish such information.

Rentals, Rules and Regulations Relating to Duct Space.

12. Commission to determine rentals and fix conditions, rules, etc., for use of conduits.

13. Scale of rentals for city conduits.

14. Collection of rental in arrears and removal of wires for non-payment of rental.

Monthly Statement.

15. Commission to make monthly statement to Comptroller of money received; to pay moneys to City Register.

Bond from Users of Duct Space.

16. Corporations, etc., to give bond before placing wires in ducts.

Unlawful Tampering with Subway System.

17. Tampering with manholes or conduit system without per-

mit from Commission prohibited.

18. Penalty for such tampering.

The Chesapeake and Potomac Telephone Company of Baltimore City and The Chesapeake and Potomac Telephone Company.

19. Confirming rights vested in said companies under Ord. 41, May 9, 1889; said companies authorized to lay their wires underground; to construct conduits and manholes; may make necessary house connections.

20. No exclusive rights granted to said companies hereunder; poles to be removed as conduits are completed.

21. Said Companies to make annual payment to city as compensation for privileges granted; minimum amount of such payment; Commission to supervise construction; pavements to be replaced at expense of companies.

22. Such construction to provide space for fire alarm and police patrol wires.

23. Said companies to give bond.

24. Provisions of Ord. 41, May 9, 1889 to remain unaffected by this codification.

Fines and Penalties.

25. Collection of fines and penalties imposed by this Article.

ELECTRICAL COMMISSION OF BALTIMORE.*

†Ord. 107, August 25, 1898, Sec. 1.

Authority to
construct a
general sys-
tem of con-
duits
under the
streets, etc.

1. An Electrical Commission for the city of Baltimore is hereby created, to consist of the Mayor of the City, *ex officio*, and the City Register, *ex officio*, and President of the Board of Fire Commissioners, *ex officio*, and said Commission is hereby authorized and directed to construct a general system of conduits under the streets, lanes and alleys of the city of Baltimore for the reception of the wires now strung over said streets, except the trolley wires belonging to street railway companies; said conduits to be constructed within such territory or districts as may be determined by said Electrical Commission, in pursuance of the Acts of Assembly of Maryland, Chapter 200, of the Acts of 1892.

Chief Engineer.

Ord. 107, August 25, 1898, Sec. 2.

Authority to
employ.

2. The Electrical Commission is authorized and empowered to employ a suitable Chief Engineer at such salary as said Commission may direct, not exceeding four thousand dollars (\$4,000) a year, who shall cause to be prepared the plans and specifications for the execution of the work and superintend the construction of the same, but the Chief Engineer shall be an electrical expert as well as a civil engineer.

Subordinates.

Ord. 107, August 25, 1898, Sec. 3.

Authority to
employ help.

3. The Electrical Commission is hereby authorized and empowered to employ such engineers, inspectors, drafts-

*NOTE.—For prior legislation relative to earlier commissions relating to the work of placing Police and Fire Alarm Telegraph and Police Patrol Systems and other electrical wires under ground, *see*, ordinances, No. 49, April 16, 1894, No. 34, April 16, 1895, No. 107, June 12, 1895, No. 96, May 16, 1896.

†NOTE.—Ord. 107, August 25, 1898, is fully construed *in re* Purnell *v.* McLane, 98 Md. 590.

men, electricians, clerks, laborers and other employes as in its judgment are requisite for the best interests of the work.

Labor and Materials.

Ord. 107, August 25, 1898, Sec. 4.

4. The Electrical Commission is authorized and empowered to employ such labor and to purchase such materials as may be necessary to enable the said Commission to perform the work under the direction of the Chief Engineer, or so much of the work as said Commission may deem to the best interest of the city of Baltimore for said Commission to perform, but in hiring labor it shall hire no man who is not a legally registered voter of the city of Baltimore.

Authority to purchase materials.

Registered voters only to be employed.

Contracts.

Ord. 107, August 25, 1898, Sec. 5.

5. Before any contract shall be awarded for the furnishing of any or all materials for beginning the construction or constructing of said conduits, the Electrical Commission shall have prepared (after obtaining from the various corporations and persons owning overhead wires such data relating to size, routes and number of said wires owned and operated by them, respectively, and such other data as the Electrical Commission may deem requisite) full and comprehensive plans and specifications of the work to be performed under this Article and to advertise for proposals for furnishing the necessary materials, the plans and specifications to be open to all bidders up' to the date for opening proposals.

Commission to have prepared plans and specifications of work to be performed.

To advertise for proposals.

POWERS OF ELECTRICAL COMMISSION AND USE OF SUBWAYS.

Ord. 107, August 25, 1898, Sec. 10.

6. The Electrical Commission is empowered and directed to require all wires to be removed from above the

To require all
wires to be
placed un-
der-ground.

streets (no wires being allowed to cross over any street, lane or alley from house to house) and placed under-ground in said conduits (the trolley wires of the street railway companies excepted) in such streets or districts and at such times and in such manner and on such notice as may be prescribed by the Electrical Commission; and further, to use such drastic or summary methods as may in the judgment of the Electrical Commission become expedient or necessary to fulfil the requirements of the laws and ordinances of the Mayor and City Council of Baltimore, which have been or which may hereafter be passed requiring telegraph, telephone, electric light, feed and other (except trolley) wires to be placed under ground.

Ord. 107, August 25, 1898, Sec. 11.

To rent space.

Proviso.

7. When said conduits, or any part thereof shall have been completed and made ready for occupancy, and the rate of rental thereof shall have been fixed and established as heretofore provided, the Electrical Commission is authorized and directed to rent space in the said municipal conduits to any applicant who shall comply with the conditions prescribed by this Article and such further conditions as may be specified by the Electrical Commission; provided, however, that said applicant shall place in the said space wires and cables within six months from the time application for said space is granted by the Electrical Commission.

Purnell v. McLane, 98 Md. 590.

Ord. 106, August 25, 1898.

Wires to be
placed under-
ground.

8. All corporations or individuals owning or operating overhead lines within the city of Baltimore are directed to place their wires underground in accordance with the Acts of Assembly of Maryland, Chapter 200, Acts of 1892, when ordered so to do by the Electrical Commission of the city of Baltimore in such streets or districts at such time and in such manner as may be prescribed by said Commission.

Ord. 106, August 25, 1898.

9. Said corporations or individuals failing to comply Time limit. with the order of the Electrical Commission to place their wires under ground within one hundred and fifty (150) days from the time of said notification, to be served on the president, manager or other legal representative of said corporations, or on the individuals or representatives of individuals owning or operating overhead wires shall be subject to a fine of fifty dollars (\$50) for each and every Penalty. pole left standing for each and every week over and above the one hundred and fifty (150) days above specified.

Ord. 106, August 25, 1898.

10. The Electrical Commission is hereby directed to chop or saw down and remove the poles and wires of any corporation or individual failing to comply with the notification of said Commission within one hundred and seventy-eight (178) days from the time of serving said notice. Commission's right to remove poles.

Ord. 108, August 25, 1898.

11. As fast as the Electrical Commission shall decide upon the streets and alleys of the city through which they propose to construct the subways, there shall be served upon the president or general manager of each and every telegraph, telephone, electric light, street railroad, street railway and other companies having or maintaining overhead wires of any description on the streets or alleys so determined on a notice, to be signed by the Mayor, requiring such companies to furnish to the Electrical Commission a detailed statement or drawings and plans, or both, showing clearly the wires they propose to use (exclusive of trolley wires) on such streets and alleys, with the size of said wires, the points of distribution and the location of all city lamps, dwellings, stores or other places supplied with electrical current by said wires, and the character of such service, and such other information with regard to the same as the Electrical Commission may consider requisite to enable it to carry out the purpose of its creation; and each of said Commission to serve notice upon the president or general manager to furnish data of wires, etc.

companies which shall fail to furnish fully and accurately the above information within sixty (60) days from the time of such notice shall forfeit and pay a fine of twenty-five dollars (\$25) a day for each and every day they shall remain in default.

Penalty.

RENTALS, RULES AND REGULATIONS RELATING TO DUCT SPACE.

Ord. 107, August 25, 1898, Sec. 6.

12. The Electrical Commission is authorized and empowered to determine the amount of rental to be charged for the use of the conduits constructed or to be constructed under this sub-division of this Article, subject to the approval of the Mayor and City Council of Baltimore; and the Electrical Commission is further authorized to determine and fix the conditions, rules and regulations governing the use of said conduits, the manner of payment of rentals, etc., and, further, to prescribe such summary methods as may be deemed by the Electrical Commission expedient or necessary for the enforcement of said conditions, rules and regulations.

Authority to determine rentals and fix conditions, rules, etc.

Ord. 81, December 10, 1900.

13. The rates of said rentals as determined by the Electrical Commission are hereby approved and are as follows:

Up to and including 5,000 feet, seven cents per duct foot per annum.

Scale of rentals for city conduits.

For 5,001 to 25,000 duct feet inclusive, six and a half cents per duct foot per annum.

For 25,001 to 50,000 duct feet inclusive, six cents per duct foot per annum.

For 50,001 to 100,000 duct feet inclusive, five and a half cents per duct foot per annum.

For 100,001 duct feet and over, five cents per duct foot per annum.

Ord. 107, August 25, 1898, Sec. 7.

14. The Electrical Commission is empowered and directed to send notices to all corporations or persons leasing space in said conduits at least ten days in advance of the time rental is due for said space so leased, and to collect said rental within ten days from the time the same is due; and the said Commission is further directed, in event of failure of any lessee to pay his or its rental within the ten days specified, to remove all the cables or wires belonging to said lessee without notice at said lessee's expense, and require the payment of the rental in arrears by said lessee before his or its cables or wires may be replaced; provided it is deemed expedient by said Commission to reissue a permit to said lessee, and the bond as hereinafter provided for shall be liable for the expense of such removal or removals and arrearages of rent.

Authority to
act for rental
in arrears.

Proviso.

Monthly Statement.

Ord. 107, August 25, 1898, Sec. 8.

15. The Electrical Commission is directed through its chairman to present a monthly sworn statement to the Comptroller of all money received by said Commission from rentals, fines or other sources, and to pay over to the City Register on the first Monday of each month the moneys thus received during the next preceding month.

Commission to
make
monthly
statement.

Bond from Users of Duct Space.

Ord. 107, August 25, 1898, Sec. 9.

16. The Electrical Commission is directed to require from all corporations or persons desiring space or compelled to rent space in the said conduits a bond with good and satisfactory surety in amount equal to one hundred dollars (\$100) per mile of duct rented before said corporations or persons are allowed to place any of their wires or cables in said conduits.

Corporations.
etc., to give
bond.

UNLAWFUL TAMPERING WITH SUBWAY SYSTEM.

Ord. 101, January 15, 1901.

Unlawful to
open man-
holes.

17. Any and all persons, except the uniformed force of the Fire Alarm Telegraph Department, are prohibited from tampering with or opening or in any way interfering with any of the man-holes or lines of conduits in the city conduit system or in the underground system of the Fire Alarm Telegraph, without first having obtained a permit from the Electrical Commission as provided for in the rules and regulations governing the use of the city underground conduits established by the Electrical Commission, in conformity with the provisions of this Article and such amendments hereto as may from time to time be adopted.

Ord. 101, January 15, 1901.

Fine.

18. Any violation of the provisions of the next preceding section of this Article shall be a misdemeanor, and shall be punishable by a fine of not less than fifty dollars (\$50) nor more than three hundred dollars (\$300) or imprisonment in the House of Correction, House of Refuge or City Jail for such term or terms not exceeding twelve (12) months as may be determined by the court, or to both fine and imprisonment.

**THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY
OF BALTIMORE CITY**

AND

THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

Ord. 41, May 9, 1889. City Code, (1893) Art. 48, Sec. 90.

Ord. 41, May 9,
1889.

19. The rights, powers and privileges which have become lawfully vested in the Chesapeake and Potomac Telephone Company of Baltimore City and the Chesapeake and Potomac Telephone Company by virtue of Ordinance No. 41 of the Mayor and City Council of Baltimore, approved May 9, 1889, are hereby ratified and confirmed and in pursuance with the authority conferred by said ordinance, the said telephone companies acting separately, or in conjunction are respectively authorized to lay their or

their respective telephone wires in cables laid in suitable conduits under the surface of the streets, alleys or highways in said city, now traversed or to be so traversed by their said respective wires, with the necessary man-holes for affording access to said cables. Such conduits and man-holes shall be constructed in such manner as not to injure any vault, sewer, water pipe, or gas pipe, and such conduits and man-holes shall be constructed by either or both of said companies as parts of one system, at their, or their respective cost and expense, and said companies so acting separately or jointly in constructing said system of underground wires shall have power to make the necessary house-connections in localities where the same may be required, in such manner as may be best adapted to the location by means of any wire or wires from such cable or cables; provided, however, that the said two companies, if acting together, shall have and possess the powers and privileges only which might have been exercised by one of said companies if acting alone under said ordinance.

Telephone wires to be laid underground.

Construction of conduits and man-holes.

C. & P. Telephone Co. v. Baltimore, 89 Md. 689. C. & P. Telephone Co. v. Baltimore, 90 Md. 638-641. Baltimore City v. C. & P. Telephone Co., 92 Md. 692.

Ord. 41, May 9, 1889. City Code, (1893) Art. 48, Sec. 91.

20. Nothing contained in sections 19 to 23 inclusive of this Article shall be construed to grant unto either or both of said telephone companies the exclusive right to lay underground wire cables within the limits of the city of Baltimore, and the rights granted by said ordinance shall cease and determine, unless three miles of the underground conduits provided for by said ordinance are constructed within two years from the date of its approval, and after said two years, and as rapidly as said conduits may be constructed, and said cables are laid therein, all poles belonging to, or under the control of either of said companies, standing upon any street or thoroughfare in this city, along which any such conduit is constructed and cable laid, shall be removed, and shall not be replaced, except in so

No exclusive rights granted.

far as such existing pole or poles now standing, or hereafter to be maintained or erected by such companies or company, are necessary to be maintained or erected by them, or it, for the purpose of making distribution of and forming connections with any wire or wires forming part or parts of any such cables so laid in a conduit with the building or buildings, or place or places intended to be connected with such wire or wires from such cable.

Ord. 41, May 9, 1889. City Code, (1893) Art. 48, Sec. 92.

Payment for
grant of
privileges.

21. Said companies shall, in consideration of the rights and privileges granted to them by said ordinance before constructing any portion of the conduit or conduits hereinbefore authorized, enter into an agreement in a form to be approved by the Mayor of the City of Baltimore, and with sufficient security, certified by the Comptroller and approved by the Mayor, to pay annually to the Mayor and City Council of Baltimore, thirty cents for each lineal yard of the first four miles in aggregate lineal length of conduit or conduits, constructed under the provisions of said ordinance, and twenty cents per lineal yard for each succeeding mile or fraction of a mile of the aggregate lineal length of such conduit or conduits exceeding such aggregate lineal length of four miles; provided, however, that the annual payment so to be made in any year, accounting from the date of the approval of said ordinance, shall not be less than the sum of three thousand dollars, and shall also, before constructing any portion of such conduit or conduits, file with the Electrical Commission a plan showing the location and character of the portion or portions of the conduit or conduits next proposed to be constructed; and every such conduit or part thereof shall be constructed under the supervision of the Electrical Commission, and all paving which may be temporarily removed by the said companies in the course of the construction of any conduit or conduits authorized by said ordinance, shall be restored or replaced, under the direction and superintendence of the City Engineer, by the companies or company constructing said conduit or conduits, and at their or its expense, in a manner satisfactory to the City Engineer.

Ord. 41, May 9, 1889. City Code, (1893) Art. 48, Sec. 93.

22. In every underground conduit constructed under the provisions of said ordinance, space shall be provided, if required, free of cost or rent for the laying therein by the Board of Fire Commissioners of the city of Baltimore of a cable for the exclusive and official use only of the fire alarm telegraph and police patrol wires.

Cable for use of
fire alarm
wires.

Ord. 41, May 9, 1889. City Code, (1893) Art. 48, Sec. 94.

23. The said companies shall, before exercising any privileges under said ordinance enter into a bond in the sum of ten thousand dollars, with good and sufficient securities to be approved by the Mayor and Comptroller, conditioned that the company or companies exercising the privileges granted by said ordinance will faithfully perform the obligations imposed upon it or them, respectively, thereby.

Bond.

24. Nothing in this sub-division of this Article shall in any manner be construed to impair, abridge or add to the force and effect of any of the provisions of ordinance No. 41, approved May 9, 1889, codified as section 19 to 23, inclusive, of this Article.

Provisions of
Ord. 41 to
remain un-
affected by
this codifica-
tion.

FINES AND PENALTIES.

25. All fines and penalties incurred by the violation of any of the provisions of this Article are to be recovered as other fines and penalties imposed by ordinance are recoverable, and when collected are to be paid to the Comptroller.

Collection of
fines and
penalties.

NOTE.—The following is a list of ordinances and resolutions of the Mayor and City Council of Baltimore of a private nature, heretofore duly passed, relating to the municipal subway system and certain rights, franchises and privileges in the beds of the streets of the city for the distribution of electricity and gas.

Consolidated Gas Electric Light and Power Company.

Ordinances and resolutions of the Mayor and City Council of Baltimore heretofore passed relating to the Consolidated Gas Electric Light and Power Company and its constituent companies are as follows :

Brush Electric Company.

Ord. 97, May 19, 1881. Res. 142, May 1, 1893.

Chesapeake Gas Company.

Res. 144, May 9, 1885.

Consumers Mutual Gaslight Company.

Ord. 119, June 12, 1876. Res. 71, March 23, 1877. Res. 179, June 4, 1877.

Gaslight Company of Baltimore.

Ord. 11, June 17, 1816. (This Ord. is No. 28 in the reprint of 1876). Ord. 12, March 27, 1818. (No. 18 in reprint of 1876). Ord. 16, March 10, 1823. Ord. 32, April 8, 1843. Ord. 34, May 28, 1852. Ord. 74, July 22, 1852. Ord. 70, May 3, 1859. Ord. 13, March 3, 1868. Ord. 76, May 10, 1871. Ord. 100, June 13, 1871. Ord. 165, November 2, 1876. (Ord. 43, May 10, 1878. General ordinance relating to lighting of City with gas. Ord. 81, June 28, 1878, supplementing Ord. 43, May 10, 1878.) Ord. 75, April 29, 1880.

Peoples' Gaslight Company.

Ord. 76, May 10, 1871. Ord. 100, June 13, 1871. Ord. 165, November 2, 1876.

Maryland Telephone and Telegraph Company.

Ordinances of the Mayor and City Council of Baltimore heretofore passed relating to the Maryland Telephone and Telegraph Company and the Home Telephone and Telegraph Company, its predecessor, are as follows:

Ord. 110, July 1, 1896. Ord. 76, May 11, 1904.

United Railways and Electric Company.

Ord. 54, May 7, 1902.

Miscellaneous Companies and Individual Grantees.

Ordinances relating to other corporations and individuals in connection with rights and privileges in the municipal subway system are as follows:

Epstein, Jacob.

Ord. 115, April 23, 1906.

Fentress, Richard B. and Summerfield, B. Medairy.

Ord. 161, December 1, 1904.

Holmes Electric Protective Company.

Ord. 265, May 15, 1905.

Regents University of Maryland,

Ord. 115, June 23, 1904.

ARTICLE X.
FINES AND FORFEITURES.
ORDINANCES.

- | | |
|---|---|
| 1. Any municipal officer may bring action to recover penalties for violation of ordinances. | 5. Duty of justice when judgment by him is superseded; duty of City Register therein. |
| 2. Officers failing to pay over fines may be presented by Mayor to grand jury. | 6. Power of Mayor to remit fines; to hand over to City Register list of fines remitted. |
| 3. In case of judgment of <i>non pros</i> informer to be liable for costs. | 7. When Mayor may also pay costs and jail charges. |
| 4. Informer to get no part of fines. | |

FINES AND FORFEITURES.

City Code, (1879) Art. 19, Sec. 1. City Code, (1893) Art. 19, Sec. 1.

1. Any municipal official or officer of the city shall have full power and authority to commence and institute before a Justice of the Peace, any writ or action in the name of this corporation, to recover any penalty or penalties incurred by the violation of any ordinances of this city.*

Who may bring suits.

City Code, (1879) Art. 19, Sec. 5. City Code, (1893) Art. 19, Sec. 5.

2. In all cases where money due or payable to the corporation has been or shall be received by a Justice of the Peace or other officer, who shall neglect or refuse to pay over such money to the proper officer of the city, the Mayor shall take speedy measures to recover the same, and also make a presentation of such conduct to the grand jury, or to the proper authority under which such officer may hold his appointment.

Refusal to pay fines over to city.

*NOTE.—In relation to prosecutions for fines imposed by ordinance or statute, *see*,—*Salfner v. State*, 84 Md. 299.

City Code, (1879) Art. 19, Sec. 6. City Code, (1893) Art. 19, Sec. 6.

Informer liable
for costs.

3. In all cases of information before any Justice of the Peace, for any violation of any ordinance, where there shall be a judgment of *non pros.* or, *non suit*, the informer, and not this corporation, shall be liable for the costs of the prosecution.

City Code, (1879) Art. 19, Sec. 7. City Code, (1893) Art. 19, Sec. 7.

Informer to get
no part of
fine.

4. No informer shall be entitled to any portion of any fine or penalty imposed by virtue of any ordinance of the Mayor and City Council of Baltimore.

City Code, (1879) Art. 19, Sec. 8. City Code, (1893) Art. 19, Sec. 8.

Superseded
judgments.

5. Whenever any judgment, which may be rendered by a Justice of the Peace, for any fine or penalty incurred by the violation of any ordinance, shall be superseded, it shall be the duty of the justice rendering such judgment to deliver to the officer who served the summons, a copy of such judgment, and the said officer, under the penalty of ten dollars, shall within six days thereafter, file said copy with the City Register who is hereby authorized and directed, when the stay of execution on any such judgment has expired, to have the same collected by execution or otherwise.

City Code, (1879) Art. 19, Sec. 9. City Code, (1893) Art. 19, Sec. 9.

Power of Mayor
or to remit
fines.

6. The Mayor is authorized and empowered to remit so much of any fine or penalty as to him shall seem just and reasonable; provided, that such power shall not extend to the costs of prosecution, and the Mayor shall hand over to the City Register a list of all such fines remitted by him; with the names of the person or persons to whom such fines were remitted.

City Code, (1879) Art. 19, Sec. 10. City Code, (1893) Art. 19, Sec. 10.

7. The Mayor is authorized and empowered in all cases of actual confinement in jail of any person for a violation

of the city ordinances, to pay all costs of prosecution and jail charges, in addition to the remission of the fine, in all cases where he may think it right and proper, and an appropriation has been made therefor in the annual ordinance of estimates.

His power to pay costs and jail charges.

ARTICLE XI.

FIRE.

ORDINANCES.

PART I.

FIRE DEPARTMENT.

Board of Fire Commissioners.

Clerical Force.

1. Appointment of clerk and assistant clerk; their duties.
2. Personnel of the department.

Salaries of Subordinates.

3. Salaries of members of the Fire Department.
4. Appointment of subordinates.

Proceedings of Board.

5. Meetings, accounts and annual reports.

Duties and Powers of Board.

6. Authority of Fire Commissioners at fires.

Rules and Regulations of Fire Department.

7. Board to prepare rules and furnish copies and have copies posted in engine and truck houses.
8. Board to control property of Department; to make purchases and expenditures for Department same not to exceed appropriation therefor.

Care of Members of Department.

9. No deductions in salaries during

sickness; proviso as to certificate of disability.

10. Pay during disability received in line of duty.
11. Pay to family of member in case of death in discharge of duty.

12. Insurance on lives of firemen.
13. Relief of injured substitutes.

Apparatus of Fire Department.

14. Apparatus and equipment of Fire Department.
15. What property of each company to consist of.

Duties and Authority of Chief Engineer.

16. To proceed to fires and properly dispose apparatus thereat.
17. To command at and direct extinguishment of fires; to preserve order and enforce law at fires; to have care and keeping of fire apparatus and equipment; to report to Board of Fire Commissioners alterations and repairs required in apparatus and equipment.

18. To transmit to Board all communications relating to the fire department; to keep rolls of the companies.

19. In absence of Chief Engineer, district Engineer to act in his stead.

Examining Board of Fire Department.

20. Of whom to consist; one member to be appointed by the Mayor; board to investigate and examine qualifications of candidates; to prepare graded lists of those qualified; appointments to be made from three names standing highest on list.

21. How examinations are to be conducted.

22. No name to be placed on payroll until a certificate of said Board has been filed with Comptroller.

23. Duties of clerk to the Board.

24. Oath of impartiality of members of Board; oath to be recorded.

Fire Alarm Telegraph.

25. Superintendent of same; qualifications; duties.

26. Appointment of six telegraphers; their duties.

27. Appointment of lineman, assistant linemen and batteryman.

28. Duties and authority of Superintendent; to keep proper books and records; to report to Board of Fire Commissioners; Mayor may inspect his books; his bond.

29. Hours of duty of telegraphers; to transmit alarms; further duties; bond.

30. Duties of lineman and assistants; bond.

31. Penalty for defacing poles of fire alarm telegraph.

32. Fire alarm signal boxes in public buildings; to be installed therein on application of owner; expense of same to be borne by applicant.

33. Said boxes to be connected with regular wires of department; supervision and expense of such connections.

34. To be at all times under control of Fire Department.

35. Subways and conduits of Chesapeake and Potomac Telephone Company to be used where practicable.

Fire Plugs, Screws and Suction Tubes,

36. Specification for standard screws.

37. Screws for fire plugs to be uniform.

38. Control of plugs at fires.

39. Penalty for obstructing access to plugs.

Fire Inspector.

40. Mayor to appoint person named by fire insurance companies; to be paid by said companies; his duties; to report to Mayor; penalty for obstructing Inspector; city not to be liable for his salary or office expenses.

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| <p>41. Police to give information to inspector of houses not properly secured; police to notify owners; penalty for neglect to properly secure; exception as to houses in course of construction.</p> <p>42. Inspector to offer reward for incendiaries.</p> <p>43. Lamps in front of engine houses.</p> | <p><i>Municipal Telephone Exchange.</i></p> <p>44. Appointment of operators of exchange; location of exchange.</p> <p><i>Salvage Corps.</i></p> <p>45. Fire Department and Salvage Corps apparatus to have right of way in streets.</p> <p>46. Penalty for hindering wagons of Salvage Corps.</p> |
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PART II.

POLICE REGULATIONS AND PREVENTION OF FIRES.

Police Regulations.

Duty of Police.

47. Police of district in which fire occurs to communicate same to central station.

Fines and Penalties for Interfering with Property of Fire Department.

48. For injuring apparatus, obstructing members or apparatus of department and interfering with proper use of signal boxes.
49. Driving over hose in use prohibited; to whom not to apply.
50. Penalty for turning in false alarm of fire.
51. Reward for conviction of persons giving false alarm.
52. Penalty for unauthorized possession of keys of signal boxes, etc.
53. Penalty for unauthorized use of uniform.

Prevention of Fires.

Precautions. Fines and Penalties.

54. Regulation of lights in stables; penalty.
55. Lamps attached outside of wooden buildings; penalty.
56. Prohibiting smoking, or use of uncovered lamps in stables; police may enter and arrest offenders; copy of this section to be posted in stables; penalty.
57. Fireworks prohibited; penalty; Mayor may grant free permit for fireworks.
58. Sale of fireworks, except in original package prohibited; penalty.
59. Manufacture of fireworks prohibited; penalty.
60. Ashes not to be kept in wooden vessels; penalty.
61. Requirements for buildings wherein hay and straw are kept; penalty.

62. Liability for penalties; reasonable notice; proviso as to second offense.

63. Fire prohibited on deck of vessels at night; penalty.

64. Matches, pipes and cigars not to be lighted on wharves, etc.

65. Penalty for violation of next preceding section.

Shavings.

66. Where to be deposited; when to be burnt; penalty.

Safety Regulations for Hotels.

67. Plan of hotel to be posted in each room; signs indicating fire escapes; fire escapes and fire alarm bells.

68. Inspector of Buildings to require compliance with safety regulations; penalty for non-compliance.

Inflammable and Explosive Materials.

Dynamite, Nitro-Glycerine, Etc.

69. Manufacture of same prohibited; penalty.

70. Unlawful to store same without permit; penalty.

71. Buildings used for such storage to have sign showing material stored; penalty.

72. Blasting without permit from Mayor unlawful.

73. Penalty for blasting without permit.

Gasoline, Naphtha and Benzene.

74. Quantity of gasoline that may be kept on hand; automobile storage stations excepted.

75. Regulations for automobile storage stations; specifications for storage tanks; approved cans; sales in automobile storage stations; transfer of oils to storage tanks; permit for such stations; penalty for violation of regulations; precautionary requirements under which permits issue.

76. Specifications for other storage tanks.

77. Regulations of use of gasoline for domestic purposes; proviso as to cleaners, dyers, etc.; sale of gasoline stoves; all persons selling gasoline stoves and apparatus to be registered and pay registry fee; reservoirs not to be in same building with stoves.

78. Sale of gasoline for domestic use.

79. Penalties for unlawful sale and use of gasoline and gasoline stoves and apparatus.

Gunpowder.

80. Regulations for carriage through city; penalty for non-observance.

81. Quantity that may be kept; storage regulations; penalty; proviso as to gunpowder *in transitu*.

82. Requirements for storage of gunpowder; sign; penalty.

83. Search warrant to issue when storage of excessive quantity is suspected.

Manufacture of Oils.

84. Plants not to be erected without sanction of Mayor and City Council; application therefor to be advertised; penalty for unauthorized erection of plants; proviso as to plants now erected.

Storage of Oils.

85. Storage by manufacturers; requirements for safety.
 86. Sale for illuminating purposes.
 87. Penalties for violation of regulations.
 88. Collection of fines and penalties.

BOARD OF FIRE COMMISSIONERS.*Clerical Force.*

Ord. 21, March 24, 1884. City Code, (1893) Art. 20, Sec. 3.

Ord. 51, March 28, 1896.

1. The Board of Fire Commissioners shall have power to appoint a clerk and an assistant clerk, who, under their supervision, shall perform such duties as they may from time to time prescribe.

Clerk and Assistant clerk appointment of.

Subordinates.

Ord. 21, March 24, 1884.

Ord. 16, March 31, 1887.

Ord. 3, March 9, 1888.

Ord. 80, June 19, 1888.

Ord. 52, April 19, 1890.

Ord. 64, May 7, 1890.

Res. 172, June 17, 1890.

Ord. 7, March 3, 1891.

Ord. 37, April 22, 1891.

Ord. 69, May 6, 1891.

Res. 218, May 27, 1891.

Ord. 35, March 28, 1892.

Ord. 37, March 28, 1892.

Ord. 6, February 4, 1893.

Ord. 8, February 4, 1893.

Ord. 10, February 9, 1893.

City Code, (1893) Art. 20, Sec. 4.

Ord. 5, February 23, 1895.

Ord. 7, March 5, 1895.

Ord. 8, March 5, 1895.

Ord. 97, May 25, 1896.

Ord. 1, December 11, 1896.

Ord. 74, September 30, 1897.

Ord. 1, November 24, 1897.

Ord. 32, April 12, 1898.

Ord. 64, May 19, 1898.

Ord. 29, December 29, 1899.

Ord. 130, May 3, 1901.

Ord. 71, June 11, 1902.

Ord. 9, October 22, 1903.

Ord. 186, January 12, 1905.

Ord. 192, February 3, 1905.

Ord. 252, May 2, 1905.

Ord. 22, November 10, 1905.

Ord. 50, December 26, 1905.

Ord. 48, December 26, 1905.

Ord. 51, December 26, 1905.

2. The manual force of the Fire Department of Baltimore City shall consist (in addition to the Board of Fire

Personnel of the Department.

Commissioners) of the following named employes, subject to such changes as may be made in said force from time to time by law or ordinance:

1 Secretary and Clerk ; 1 Assistant Secretary and Clerk ; 1 Chief Engineer ; 6 District Engineers ; 1 Superintendent of Machinery ; 38 Captains of Engine and Hook and Ladder Companies ; 39 Lieutenants of Engine and Hook and Ladder Companies ; 29 Enginemen ; 32 Assistant Enginemen ; 9 Tillermen of Hook and Ladder Companies ; 9 Assistant Tillermen of Hook and Ladder Companies ; 42 Hostlers of Engine and Hook and Ladder Companies ; 38 Assistant Hostlers of Engine and Hook and Ladder Companies ; 5 Captains of Combination Hook and Ladder Companies ; 174 Pipemen ; 66 Laddermen ; 2 Pilots on the Fireboat ; 3 Stokers on the Fireboat ; 20 Probationary Firemen ; 1 Superintendent of Telegraph ; 6 Telegraph Operators ; 2 Telephone Operators ; 1 Lineman ; 4 Assistant Linemen ; 1 Batteryman.

Salaries of Subordinates.

3. The members of the Fire Department mentioned in the next preceding section of this Article shall be paid the following annual salaries, until otherwise provided hereafter by law or ordinance:

Salaries of;
members of
the Fire De-
partment.

Secretary and Clerk, \$1,800 ; Assistant Secretary and Clerk, \$1,200 ; Chief Engineer, \$3,000 ; District Engineer, each, \$1,600 ; Superintendent of Machinery, \$1,600 ; Captains of Engine and Hook and Ladder Companies, each, \$1,200 ; Lieutenants, each, \$1,075 ; Enginemen, each, \$1,150 ; Assistant Enginemen, each, \$1,000 ; Tillermen, \$950 ; Hostlers of Engine and Hook and Ladder Companies, each, \$900 ; Captain of Chemical Engine, \$950 ; Captains of Combination Hook and Ladder Companies, each, \$950 ; Pipemen and Laddermen, \$900 ; Pilots, each, \$1,000 ; Stokers, each, \$900 ; Probationary Firemen, \$600 ; Superintendent of Telegraph, \$2,000 ; Telegraph Operators, \$1,100 ; Telephone Operators, \$840 ; Linemen, \$1,200 ; Assistant Linemen, \$1,000 ; Battery-men, \$1,000.

Ord. 21, March 24, 1884. City Code, (1893) Art. 20, Sec. 6.

4. The Board of Fire Commissioners shall appoint all subordinates in their sub-department;* but they shall be subject to removal at any time by the said Board of Fire Commissioners, whenever in their judgment the good order and efficiency of the Fire Department will be promoted thereby; provided, however, that said employes shall not be subject to removal on account of their political or religious sentiments; nor shall any of the said employes act as judge, clerk or challenger, at any primary or general election, or in any way interfere in any election contest, or do more in a public way than to simply exercise his right of suffrage on any election day. **

Appointment
of employes.

Proceedings of Board.

Ord. 21, March 24, 1884. City Code, (1893) Art. 20, Sec. 7.

5. The said Board of Fire Commissioners shall hold a session of the Board on at least three days in each week, at the City Hall. They shall cause all their receipts and disbursements of money to be faithfully entered in books to be provided for that purpose; all the said books and all other documents in the possession of the said Board shall always be open to the inspection of the City Council and any committee appointed by it for that purpose. The said Board shall annually, on or before the fifteenth day of January, prepare and make to the Mayor and City Council of Baltimore an accurate report of the state of the department and of all purchases and expenditures connected

Meetings, ac-
counts and
annual re-
ports.

*NOTE 1.—Under the provisions of section 69 of the City Charter, the Board of Fire Commissioners has the power to appoint all subordinates in their sub-department, and fix their compensation, not, however, to exceed in number of employes or aggregate amount of compensation the limits fixed by ordinance. The number of employes and the aggregate amount of their compensation thus depend upon special ordinances as well as upon the annual ordinance of estimates.

**NOTE 2.—In view of the provisions of sections 28 and 69 of the City Charter, it may be questioned whether any of the provisions of section 4 of this Article are valid, save the last clause thereof.

therewith during the preceding year, of which report there shall be printed two hundred and fifty copies for the use of the Mayor and City Council of Baltimore.

Duties and Powers of Board.

City Code, (1879) Art. 20, Sec. 4. City Code, (1893) Art. 20, Sec. 5.

Authority of
Fire Com-
missioners at
fires.

6. The Board of Fire Commissioners shall, during the occurrence of fires or alarms of fires, have authority for themselves, and the power to delegate to the chief engineer or his assistants, the authority to control all persons and property in the vicinity of a fire, during the continuance thereof ; provided, that the exercise of such authority does not conflict with any law of the United States, or of the State of Maryland.

Rules and Regulations of Fire Department.

City Code, (1879) Art. 20, Sec. 19. City Code, (1893) Art. 20, Sec. 24.

Board to pre-
pare same.

7. The Board of Fire Commissioners shall prepare rules and regulations for the government of the fire companies and the members thereof, and furnish each member of the Fire Department with a copy of said rules, and have said rules posted conspicuously in the office of the Fire Department and in and about the several engine and truck houses belonging to the Fire Department.

City Code, (1893) Art. 20, Sec. 8.

Control of
property of
Department.

8. The said Board of Fire Commissioners shall have entire control of all property of the Fire Department and be held accountable therefor to the Mayor and City Council of Baltimore; they shall from time to time make such purchases and expenditures for the different branches of the said department within the amount appropriated for the purpose as shall in their judgment be required for the efficient working of said department, and they shall have authority to draw upon the City Register for such sum or sums of money as they may from time to time require, not exceeding the appropriations which shall have been made for the use of the department.

Care of Members of Department.

Ord. 31, April 1, 1884. City Code, (1893) Art. 20, Sec. 11.

9. No deduction shall be made in the salaries of the employes of the Fire Department on account of sickness, provided such sickness does not last longer than six months; and provided further, that if an employe shall absent himself from duty on account of sickness he shall before receiving his salary, present or have presented to the captain of the company of which he is a member, a sworn certificate from the physician employed by the fire department, stating that he, (the employe) on account of sickness, is unable to perform the duties of a fireman.

No deductions during sickness; proviso.

City Code, (1879) Art. 20, Sec. 25. City Code, (1893) Art. 20, Sec. 30.

10. Any member of the Fire Department of the city of Baltimore, receiving injury or becoming disabled, while in the discharge of his duties, so as to prevent him from following his daily occupation or attending to his duties as a member of said department, such member shall, for the space of twelve months, provided his disability shall last that time, receive his usual salary.

Pay during disability.

City Code, (1879) Art. 20, Sec. 26. City Code, (1893) Art. 20, Sec. 31.

11. If any member of the Fire Department shall lose his life while in the discharge of his duties, it shall be the duty of the Board of Fire Commissioners (as soon as may be convenient after such death) to cause to be paid to the wife or family, including father and mother, depending on the deceased member, the sum of five hundred dollars; and if said member shall leave neither wife nor children, father, mother, surviving him, then said commissioners shall and they are hereby authorized to defray the proper funeral expenses of said member, the same to be taken out of the appropriation for the Fire Department for the current year.

Pay to family in case of death.

Ord. 10, March 20, 1888. City Code, (1893) Art. 20, Sec. 32.

Ord. 133, August 15, 1904.

Insurance on
lives of
firemen.

12. The Board of Fire Commissioners is authorized to effect an insurance on the lives of all members of the Baltimore City Fire Department, including the fire alarm telegraph department, so that in case of any injury at any time, they shall receive from the insurance company writing such insurance the sum of five dollars per week during the continuance of such disability as may prevent them from following their usual business, and in case of death resulting from any accident to them, the sum of five hundred dollars (\$500) shall be paid by said insurance company to the wife of such member of the Fire Department, if she be living, or in case there be no wife, then to the children; and if there be no wife or children living, then to the father or mother or such other member of such person's family as may be depending upon him for support; and if none such, then the amount shall be paid to the Board of Fire Commissioners for the benefit of the Fire Department, and the sum of fifteen dollars (\$15.00) or so much thereof as may be necessary shall be applied by the Board of Fire Commissioners out of the appropriation to their department for such insurance on the life of each member of said department.

Relief of in-
jured substi-
tutes.

City Code, (1879) Art. 20, Sec. 28. City Code, (1893) Art. 20, Sec. 33.

13. The Board of Fire Commissioners is hereby authorized to apply to the relief of the substitutes of the Fire Department, who may be injured in the performance of their duties in connection with the department, such portion of the amount annually appropriated for the accident account of the Fire Department as the Board may deem proper and just.

Apparatus of Fire Department.

14. The apparatus of the Fire Department of Baltimore city shall consist of the

28 Steam Fire Engines and Hose Wagons,
1 Fireboat.

Apparatus and
equipment of
Fire Depart-
ment.

14 Hook and Ladder Trucks,

now existing or authorized, together with such reserve engines and machinery, horses, hose, supplies, etc., as shall in the judgment of the Board of Fire Commissioners be deemed necessary to equip, preserve and maintain in serviceable condition the said apparatus; and the Board of Fire Commissioners of Baltimore city shall provide hereafter such other additional apparatus, and the necessary equipment therefor, as may be authorized under the provisions of the City Charter and future ordinances and resolutions of the Mayor and City Council of Baltimore.

City Code, (1879) Art. 20, Sec. 7. City Code, (1893) Art. 20, Sec. 12.

15. The property of each engine company shall consist of not less than one steam fire engine, one hose wagon and such hose, horses and minor accessories as are necessary for effectual service; and the property of each hook and ladder company shall consist of not less than one ladder truck, with all necessary ladders and implements and horses.

Property of
each com-
pany.

Duties and Authority of Chief Engineer.

City Code, (1879) Art. 20, Sec. 14. City Code, (1893) Art. 20, Sec. 19.

16. It shall be the duty of the Chief Engineer, and his assistants, whenever a fire shall break out in the city, to immediately repair to the place of such fire, and to take proper measures that the several engines and other apparatus be arranged in the most advantageous situations.

To proceed to
fires and
properly dis-
pose appara-
tus at fires.

Ord. 29, April 11, 1879. City Code, (1893) Art. 20, Sec. 20.

17. The Chief Engineer shall, under the Board of Fire Commissioners, have command at fires over all other officers and all other persons who may be present at fires, and shall take all proper measures for the extinguishment of fires, and for the protection of property, preservation of

To command
at and direct
extinguish-
ment of fires.

To have charge
of care and
keeping of
fire appa-
ratus and
equipment.

To attend to
alteration
and repair
apparatus
and equip-
ment.

order, and observance of the laws of the State, ordinances of the city, and regulations of the Board of Fire Commissioners respecting fires; and it shall be the duty of said engineer to examine into the condition of the engine and all other fire apparatus, and of the engine and other houses belonging to the city, used for the purposes of the Fire Department and the companies attached, as often as circumstances may render expedient, or whenever directed to do so by the Board of Fire Commissioners; and whenever the engines, or other fire apparatus, engine or other houses, used by the Fire Department require alteration, additions or repairs, the Chief Engineer shall report the same to the Board of Fire Commissioners, who shall cause to be made, as they may deem expedient, such alterations, additions and repairs, the whole to be done under the immediate supervision and control of said Board of Fire Commissioners.

City Code, (1879) Art. 20, Sec. 16. City Code, (1893) Art. 20, Sec. 21.

Further duties
of Chief
Engineer.

18. It shall be, moreover, the duty of the said Chief Engineer to receive and transmit to the said Board of Fire Commissioners, all the returns of the officers, members and fire apparatus, made by the respective companies, and all other communications relating to the affairs of the Fire Department; to keep exact rolls of the respective companies, specifying the time of admission and discharge and age of each member, which he shall report in writing to said Board of Fire Commissioners, who shall safely file such reports.

City Code, (1879) Art. 20, Sec. 17. City Code, (1893) Art. 20, Sec. 22.

When district
engineer
acts as Chief
Engineer.

19. In case of the absence of the Chief Engineer the district engineer in whose district the fire may occur, shall exercise the duties of his office with the full power of the Chief Engineer.

*Examining Board of Fire Department.***

Ord. 16, December 1, 1899.

20. There shall be created an Examining Board for the Fire Department of Baltimore city; said board to consist of the President of the Board of Fire Commissioners, the Chief Engineer of the Fire Department, and one other member, said member to be appointed by the Mayor in the manner prescribed in sections 25 and 30 of Article 4 of the Code of Public Local Laws, and holding his office as therein provided; the duty of which examining board shall be to ascertain by appropriate investigation and examination the relative qualifications of all candidates for appointment or promotion in the Fire Department of Baltimore city, and to furnish from time to time to the Board of Fire Commissioners graded lists of those whom they shall deem qualified for appointment or promotion, from which graded lists all promotions and appointments shall be made by said Board of Fire Commissioners, except appointment to the position of Chief Engineer. In the preparation of such graded lists the said examining board shall ascertain by competitive examinations the relative qualifications, physical and otherwise, of all applicants for appointment or promotion in said Fire Department for the performance of the duties required of them, and shall place the names of the accepted candidates upon said lists in the order of their relative qualifications, as ascertained by such competitive examinations; and every appointment or promotion made by the Board of Fire Commissioners in the said Fire Department (except to the position of Chief Engineer) shall be made from the three names standing highest at the time of making such appointment or promotion upon the graded lists of candidates for such appointment or promotion.

Examining
Board to be
created.

To investigate
and examine
qualifica-
tions of
candidates.

To prepare
graded lists.

****NOTE.**—The provisions of this sub-division of Article 11 are so meritorious that there should be no question of their validity; it is not altogether clear, however, that the power exists for the creation of an Examining Board of the Fire Department, in the City Charter; certainly no specific statutory authority exists for the creation of such board.

Ord. 16, December 1, 1899.

How examinations are to be conducted.

21. The said examinations shall be conducted by and under definite rules, to be adopted by said examining board from time to time, and when so adopted, to be recorded before the holding of every examination to which they shall be made applicable; and the said rules shall prescribe the system of marking by which the relative grades of the several candidates, whom the said examining board may find qualified, shall be determined upon the said lists.

Ord. 16, December 1, 1899.

No name to be placed on pay-roll until a certificate has been filed with Comptroller.

22. The name of no person appointed or promoted to any position in the Fire Department, after the creation of said examining board, shall be placed upon the pay-roll of said Fire Department until there shall have been first filed with the Comptroller a certificate of the said examining board that his promotion or appointment has been made in conformity with the provisions of this sub-division of this Article.

Ord. 16, December 1, 1899.

Duties of Clerk to the board.

23. The President of the Board of Fire Commissioners shall be the President of said examining board and the Clerk of the Board of Fire Commissioners shall perform the duties of clerk of said board. It shall be the duty of said clerk to keep a full and correct record of the proceedings of said examining board, and of all the said graded lists prepared by it, which shall at all reasonable times be open to public inspection, and shall perform such executive functions in connection with the work of said examining board, as it may from time to time direct him to discharge.

Ord. 16, December 1, 1899.

Oath of members of board.

24. Each of the said members of said examining board shall before assuming the duties of his office take, in addition to the oath prescribed in section 25 of Article 4 of the

Code of Public Local Laws, the further oath or affirmation that in preparing the graded lists of candidates for promotion or appointment, he will in no instance and under no pretext be influenced in accepting any candidate for appointment or promotion as qualified, or rejecting any candidate as unqualified, or in determining the relative grades of the qualifications of any such candidate by their political or religious opinions or affirmations, or by political influences of any kind exerted for or against them, or for any other cause or reason whatsoever, than the fitness or unfitness, or the capacity or lack of capacity of such candidate, according to the best judgment of said examiner, to efficiently discharge the duties of the position to which he seeks to be appointed, and the said oath or affirmation shall be recorded and preserved among the records of the Mayor's office.

Oath to be
recorded.

Fire Alarm Telegraph.

Ord. 48, April 30, 1884. Ord. 15, February 2, 1892. City Code, (1893) Art. 20, Sec. 37. Ord. 29, December 29, 1899.

25. There shall be appointed by the said Board of Fire Commissioners, as other subordinates in their sub-department are appointed, one person, who shall be a practical telegrapher and skilled electrician, to be designated "Superintendent of the Fire Alarm Telegraph", whose duties shall be the general superintendence of the fire alarm telegraph, the telephone lines to Bay View Asylum, the House of Correction, the Quarantine Hospital, the various water works belonging to the City Water Department, and the electrical apparatus and machinery of the alarm bells of the Fire Department; and who shall perform such other duties in connection with the electric and telegraph system belonging to the city as the Board of Fire Commissioners may prescribe.

Superintend-
ent of Fire-
Alarm Tele-
graph.

Duties.

City Code, (1879) Art. 20, Sec. 33. City Code, (1893) Art. 20, Sec. 38. Ord. 10, March 8, 1895. Ord. 29, December 29, 1899.

26. There shall be appointed by the said Board of Fire Commissioners, in the same manner as other subordinates

Telegraphers
and their
duties.

in their sub-department are appointed, six practical telegraphers, whose duty shall be to operate the machinery of the fire alarm telegraph under the direction of the Superintendent of the Fire Alarm Telegraph.

Res. 24, April 1, 1885. Res. 27, March 15, 1889. Ord. 108, October 17, 1892. City Code, (1893) Art. 20, Sec. 39. Ord. 10, March 8, 1895. Ord. 29, December 29, 1899.

Appointment
of lineman,
assistant
linemen and
batteryman.

27. There shall be appointed by the said Board of Fire Commissioners, as other subordinates of their sub-department are now appointed, one competent person to be called the lineman, whose duties shall be defined by said Board of Fire Commissioners, and four competent persons to be called assistant linemen, and one competent person to be called a batteryman.

Ord. 48, April 30, 1884. City Code, (1893) Art. 20, Sec. 41.

Duties of Super-
intendent
of Fire Alarm
Telegraph.

28. The Superintendent of the Fire Alarm Telegraph shall have charge of all the instruments, alarm boxes and wires belonging to the fire alarm telegraph system, and shall see that they are at all times in good order, and promptly repaired, when out of order; it shall be his further duty to test all instruments and alarm boxes from time to time and as often as may be necessary, see that the telegraphers and other employes of his department, as hereinafter provided for, perform their duties promptly and efficiently; he shall keep proper books in which shall be recorded all matters necessary for a full understanding of the operations of his department, and a book in which he shall record all cases of instruments, alarm boxes or wires at any time reported out of order, with the date thereof, and when repaired; and he shall annually on the first day of January, make a written report of the operations of his department to the Board of Fire Commissioners; all books and papers connected with the department shall at all times be open to inspection of the Mayor and City Council. He shall give bond with good and sufficient security, to the Mayor and City Council of Baltimore, in

the sum of two thousand dollars, for the good and faithful ^{Bond.} performance of the duties of his office.

City Code, (1879) Art. 20, Sec. 37. City Code, (1893) Art. 20, Sec. 42.

29. The telegraphers shall attend at the central fire alarm station, at least two of whom shall be on duty at all hours, day and night; it shall be their duty, immediately on the receipt of an alarm of fire, to transmit the same over the wires, and do and perform all such duties appertaining to their office as may be required of them by the Superintendent of the Fire Alarm Telegraph; they shall each of them enter into good and sufficient security to the Mayor and City Council of Baltimore, in the sum of eight hundred ^{Duties of operators.} dollars, for the good and faithful performance of the duties of their office.*

Ord. 24, April 1, 1885. City Code, (1893) Art. 20, Sec. 43.

30. It shall be the duty of the lineman and the assistant linemen to attend personally at the central office of the fire alarm telegraph; they shall take charge of the lines of the fire alarm telegraph, keeping them in perfect working order and free from obstructions, and attend to the repairs of the same; it shall be the duty of the batteryman to attend personally at the central office of the fire alarm telegraph; he shall take charge of the batteries of the fire alarm telegraph, keeping the same at all times in good working order and repair and the said lineman, assistant linemen and batteryman shall do and perform all such other duties appertaining to their offices as may be required of them by the Superintendent of the Fire Alarm Telegraph; and they shall each of them enter into good and sufficient security to the Mayor and City Council, in the sum of eight hundred ^{Duties of lineman and assistants.} dollars, for the good and faithful performance of the duties of their office.

City Code, (1879) Art. 20, Sec. 40. City Code, (1893) Art. 20, Sec. 45.

31. Any person or persons who shall scratch, stencil or ^{Injury to telegraph poles.} post placards or bills on any of the poles of the fire alarm

*NOTE.—See pending ordinance repealing sections 29 and 30 as to provisions relating to bonds.

telegraph, or in any other manner deface the same, shall be subject to a fine of not less than one dollar, or more than twenty-five dollars.

Ord. 20, March 15, 1882. City Code, (1893) Art. 20, Sec. 46.

Fire-alarm signal box in public buildings.

32. For the better protection of life and property, the Board of Fire Commissioners is authorized and directed to place a fire alarm signal-box in any theatre, public hall, hotel, manufactory, hospital, charitable institution or other public building within the corporate limits of the city of Baltimore, where the proprietor or proprietors, or other person or persons having charge of such theatre, public hall, hotel, manufactory, hospital, charitable institution or other public building, shall file with said board an application for the same; the expense of such signal-box to be borne by the person or persons making such application; provided, however, that they shall not be required to pay more for said boxes than the said Board of Fire Commissioners pay for the same; said alarm box to be placed in the most accessible part of said building or buildings.

Ord. 20, March 15, 1882. City Code, (1893) Art. 20, Sec. 47.

Ord. 106, June 16, 1896.

Fire-alarm signal-boxes in public buildings to be connected with regular wires.

33. The said fire alarm signal-boxes shall be connected with the regular wires of the fire alarm telegraph of the Fire Department, said connection to be made under the supervision of the Board of Fire Commissioners, the expense of making such connections to be borne by the body corporate, person or persons making said application.

Ord. 20, March 15, 1882. City Code, (1893) Art. 20, Sec. 48.

Control of Fire Department.

34. Said fire alarm signal-boxes shall be at all times under the supervision of the proper officers of the Baltimore City Fire Department, by whom all repairs to the same shall be made.

Ord. 106, May 1, 1893. Ord. 49, April 16, 1894.
City Code, (1893) Art. 20, Sec. 48B.

35. The subways and conduits of the Chesapeake and Potomac Telephone Company, shall be used, as far as practicable, under provisions of ordinance No. 41, section 4, passed by the Mayor and City Council of Baltimore, and approved May 9, 1889, being sections 19 to 23, inclusive, of Article IX of this code; which ordinance reserves the right to place the wires of the fire alarm telegraph and police patrol telegraph, in the conduits and subways of said Telephone Company.

Subway and conduits of Ches. & Pot. Tel. Co. to be used where practicable.

Fire Plugs, Screws and Suction Tubes.

City Code, (1879) Art. 20, Sec. 20. City Code, (1893) Art. 20, Sec. 25.

36. The standard screw of the suction tubes of the steam fire engines and the large openings in fire plugs shall be five and one-half inches in diameter outside of the thread, and five inches to the bottom of the thread with four and one-half inches opening, and four threads to the inch; the standard screw for hose shall be three and three-sixteenths inches in diameter on the outside, and two and fifteen-sixteenths inches in diameter to bottom of thread, with two and one-half inches opening and seven threads to the inch. The thread to be "V" shape on both couplings.

Standard screws.

City Code, (1879) Art. 20, Sec. 21. City Code, (1893) Art. 20, Sec. 26.

37. The Water Engineer is hereby directed to cause the screws of all fire plugs hereafter inserted by him to conform to the requirements of the next preceding section.

Screws of fire-plugs to conform to requirements of next preceding section.

City Code, (1879) Art. 20, Sec. 22. City Code, (1893) Art. 20, Sec. 27.

38. The Chief Engineer of the Fire Department, or his assistants, shall have the use and control of any and all fire plugs belonging to the city of Baltimore on the occurrence of fires.

Control of plugs at fires.

City Code, (1879) Art. 20, Sec. 23. City Code, (1893) Art. 20, Sec. 28.

Free access to
plugs.

39. Any person or persons who shall place, or cause to be placed around or near any of the fire plugs of the city, any goods, structure or other things, in such a manner as to obstruct the free access to any of said plugs, shall be subject to a fine of twenty dollars, and a further fine of ten dollars for each and every day that such obstruction may continue.

Fire Inspector.

City Code, (1879) Art. 20, Sec. 41. City Code, (1893) Art. 20, Sec. 49

Appointment.

40. The Mayor, at his discretion, may commission as Fire Inspector such person as may be named and appointed by the fire insurance companies of the city of Baltimore, or a majority thereof—such inspector to be paid by said companies. And it shall be the duty of said inspector to examine into, report upon, and keep a record of all fires occurring in said city, and the origin thereof, and a brief description of the premises wherein the fire may have originated, whether of brick or frame, and how occupied, whether as dwelling, store, workshop or otherwise, of all which a report shall be made to the Mayor on the first of each month; and he is further authorized to examine all buildings hereafter to be erected or altered in said city, as to whether the same are built, erected or altered in conformity to the ordinances of said city; and any person or persons interfering with (for the purpose of preventing) said inspector in the discharge of his duties, as herein mentioned, shall be liable to a fine of not less than five nor more than twenty dollars; provided, that the city authorities shall not, in any manner, be liable for the payment of the salary of said inspector, nor for any of the expenses incidental to such office; and that the Mayor may revoke and annul the said commission at such time or times as he may deem proper.

Duties.

City Code, (1879) Art. 20, Sec. 42. City Code, (1893) Art. 20, Sec. 50.

41. It shall be the duty of the police, whenever they shall learn or know, or have cause to believe, that any unoccupied house, or houses, are not properly secured, to inform the Fire Inspector, who shall immediately visit the premises, and notify the owners, agent or agents, by a written or printed notice delivered at their residence or place of business, of the condition of such unoccupied house or houses, to have it or them properly secured, so as to prevent evilly disposed persons from gaining access, and in case of such owner or owners, agent or agents neglecting or refusing to have the same properly secured within twenty-four hours after notice, he, she or they shall incur a penalty of one dollar for each refusal or neglect, and two dollars per day for each day he, she or they may refuse or neglect, until such notice is complied with; provided, that this section shall not be construed to apply to houses in the course of construction.

Police to give information to Fire Inspector.

City Code, (1879) Art. 20, Sec. 43. City Code, (1893) Art. 20, Sec. 51.

42. The Fire Inspector is hereby authorized and empowered to offer a reward of five hundred dollars for the arrest and conviction of any party or parties who have been guilty of setting fire to any house or tenement in the city—the money to be expended and paid under the direction of the Mayor.

Reward for incendiaries.

City Code, (1879) Art. 20, Sec. 24. City Code, (1893) Art. 20, Sec. 29.

43. The Superintendent of Lamps and Lighting is directed to have the lamps lighted in front of the different engine and hook and ladder houses every night during the year.

Lamps in front of engine-houses.

Municipal Telephone Exchange.

Ord. 41, March 19, 1902.

44. The Board of Fire Commissioners are hereby authorized to appoint two skilled competent telephone

Authority to appoint operators.

operators of the Municipal Telephone Exchange located in the City Hall, as other subordinates in their sub-departments are appointed.

Salvage Corps.

City Code, (1879) Art. 20, Sec. 29. City Code, (1893) Art. 20, Sec. 34.

Fire Department and Salvage Corps apparatus to have right of way.

45. The apparatus and wagons of the Baltimore City Salvage Corps shall be entitled to the right of way upon the streets, lanes and alleys in the city of Baltimore in going to and returning from fires and said Salvage Corps, in going to and returning from fires, shall enjoy the same privileges as are now enjoyed by the Fire Department.

City Code, (1879) Art. 20, Sec. 30. City Code, (1893) Art. 20, Sec. 35.

Obstruction.

46. Any person or persons interfering with or hindering the apparatus and wagons of said Salvage Corps in passing along any of the streets, lanes or highways in the city, in going to and returning from fires, shall, upon conviction thereof, pay a fine of fifty dollars.

Penalty.

PART II.

POLICE REGULATIONS AND PREVENTION OF FIRES.

POLICE REGULATIONS.

Duty of Police.

Duties of police.

City Code, (1879) Art. 20, Sec. 8. City Code, (1893) Art. 20, Sec. 13.

47. It shall be the duty of the members of the police department, in the district in which the fire may occur, to communicate the fact to the central station, by means of the signal box in the district in which the fire may be, in accordance with the rules and regulations governing the signal boxes of the Fire Department.

Fines and Penalties for Interfering With Property of Fire Department.

City Code, (1879) Art. 20, Sec. 9. City Code, (1893) Art. 20, Sec. 14.

Injury to property of department.

48. Should any person or persons injure, deface or in any manner destroy, any fire apparatus or property of the

fire alarm telegraph, or should any person or persons hinder or obstruct any city fire company, or hook and ladder company, or any member thereof, from freely passing along the streets of the city to or from a fire, or in any manner hinder or prevent any of the said fire companies, or any member of the same from operating at any fire, or prevent a person properly authorized from using the signal boxes of the police and fire alarm telegraph, each and every person or persons so hindering, obstructing or preventing, shall be fined not less than twenty dollars nor Penalty. more than fifty dollars.

Ord. 92, April 24, 1893. City Code, (1893) Art. 20, Sec. 14A.

49. The driver of any vehicle who shall drive any such vehicle over or across any hose in use or about to be used in any street, lane, alley, avenue or public place in the city of Baltimore, by any portion of the Fire Department for extinguishing any fire that may occur within the corporate limits of said city, shall be deemed guilty of a misdemeanor and on conviction thereof before any police magistrate, shall pay a fine of twenty dollars, or in default of payment of such fine, shall be punished by imprisonment Penalty. for not less than ten days. But this section shall not apply to drivers of wagons carrying the United States mail, or to drivers of physicians' carriages, or to drivers of ambulances, when conveying an injured person from the scene of any accident by which persons may have been injured, or any patient to the hospital, or when proceeding to the scene of any such accident, or to the drivers of any vehicles who may be permitted to drive over or across such hose by the officer in command of the Fire Department when operating at any such fire and under his direction. Driving over hose in use prohibited.
To whom not applicable.

City Code, (1893) Art. 20, Sec. 15. Ord. 156, February 10, 1899.
Ord. 209, February 21, 1905.

50. Should any person or persons knowingly give or cause to be given, any false alarm of fire by means of the False alarms and punishment therefor.

telegraph boxes connected with the fire alarm telegraph, he, she or they shall be subject to a fine of not less than five dollars, nor more than five hundred dollars, or to imprisonment in the House of Correction, House of Refuge or City Jail for such terms not exceeding twelve months, as may be determined by the Court, or to both fine and imprisonment.

City Code, (1879) Art. 20, Sec. 11. City Code, (1893) Art. 20, Sec. 16.

Reward for
conviction
of persons
giving false
alarm.

51. Authority is hereby given to the Chief Engineer of the Fire Department, in his discretion, and with the approbation of the Board of Fire Commissioners, to offer a reward of one hundred dollars or less for the apprehension and conviction of any person or persons who shall knowingly give, or cause to be given, any false alarm of fire by means of telegraph boxes connected with the fire alarm telegraph.

City Code, (1879) Art. 20, Sec. 12. City Code, (1893) Art. 20, Sec. 17.

Unauthorized
possession of
keys.

52. Should any person or persons unauthorized have in his, her or their possession, or make, or cause to be made, any key or keys of any fire engine or truck house, or fire alarm telegraph box, or use, or cause to be used, the same without the authority of the Board of Fire Commissioners, he, she or they shall be subject to a fine of not less than one hundred dollars, and not more than two hundred dollars.

Penalty.

City Code, (1879) Art. 20, Sec. 13. City Code, (1893) Art. 20, Sec. 18.

Unauthorized
use of
uniform.

53. Should any person or persons not a member of the Fire Department use the uniform determined upon by the Board of Fire Commissioners, or any part thereof, without their permission, such person or persons shall each be fined not less than five dollars, nor more than twenty dollars, for each and every offence.

PREVENTION OF FIRES.

Precautions. Fines and Penalties.

City Code, (1879) Art. 20, Sec. 44. City Code, (1893) Art. 20, Sec. 52.

54. No person or persons shall carry a lighted candle ^{Lights} or lamp into any stable, or make use of it there, unless the ^{in stables.} same is well secured in a tin, horn or glass lantern, under a penalty of five dollars.

City Code, (1879) Art. 7, Sec. 11. City Code, (1893) Art. 7, Sec. 90.

55. No person or persons shall be permitted to hang or ^{Lamps outside} place any lamp or light on the outside of any wooden ^{of wooden} building, unless such lamp be made of such materials as ^{buildings.} will prevent any liability to fire, and be placed at the distance of two feet six inches from such wooden building; and any person or persons offending against the provisions of this section shall forfeit and pay a sum not exceeding five dollars for every such offence, and five dollars per day for every day he or they shall permit such lamp to remain.

Ord. 118, June 27, 1894.

56. All persons, employed or otherwise, about any and ^{Prohibiting} all livery and hiring stables in the city of Baltimore, are ^{smoking or} prohibited from smoking or using matches or uncovered ^{use of un-} lamps in the stable portion of said building (not including ^{covered} the offices of the same); the police shall have power to ^{lamps in} enter at any time any stable and arrest any person so ^{stables.} violating the provisions of this section; a copy hereof shall ^{Duties of} be posted in some conspicuous place in each and every ^{police.} livery stable so named; and the party or parties who may ^{Copy of section} be the owners or occupiers of said stable, or other persons ^{to be posted.} so offending against the provisions of this section, shall be ^{Penalty for} subject to a fine of five dollars for each and every offence. ^{violations.}

Ord. 132, September 2, 1896.

57. No person shall cast, throw or fire any squib, ^{Prohibiting} rocket, cracker, torpedo, grenade or other combustible ^{use of fire-} fireworks or explosive preparations within the city; and ^{works.}

Authority for
Mayor to
grant free
permit
for use of
fireworks.

every person for every such offence shall forfeit and pay a sum not exceeding five dollars (\$5); but the Mayor shall be authorized to grant free of all charge a permit for using fireworks if he so sees fit.

City Code, (1879) Art. 20, Sec. 46. City Code, (1893) Art. 20, Sec. 54.

Sale of fire-
crackers pro-
hibited.

58. It shall not be lawful for any person or persons to sell, or offer for sale, within the limits of the city, any crackers, squibs, rockets or other combustible fireworks; provided, however, that this section shall not apply to the sale of any such article when sold in the original package as imported, and every offender against any of the provisions of this section shall pay for each and every offence two dollars.

City Code, (1879) Art. 20, Sec. 47. City Code, (1893) Art. 20, Sec. 55.

Manufacture of
fire-crackers
prohibited.

59. It shall not be lawful for any person or persons to manufacture, within the limits of the city, any crackers, squibs, rockets, or any other combustible fireworks, and every offender against the provisions of this section shall forfeit and pay the sum of twenty dollars for each and every offence.

City Code, (1879) Art. 20, Sec. 48. City Code, (1893) Art. 20, Sec. 56.

Ashes in wood-
en vessels.

60. No person shall keep ashes in any barrel, box or other wooden vessel, or on any wooden floor in any building, under a penalty of five dollars for each offence.

City Code, (1879) Art. 20, Sec. 49. City Code, (1893) Art. 20, Sec. 57.

Hay and straw,
how to be
kept.

61. Hay and cut straw may be kept on the premises of any person or persons, provided, and on condition, that the building in which the hay and straw shall be kept shall be constructed of brick or stone, with walls not less than eight and a-half inches thick, and if the building be of but one story, the roof shall be covered with gravel, slate or metal, and the doors and windows shall be covered on the

outside with sheet iron; and for any violation of this section the person or persons so offending shall forfeit and pay ten dollars.

City Code, (1878) Art. 20, Sec. 50. City Code, (1893) Art. 20, Sec. 58.

62. Parties shall not be liable for the fines and penalties imposed by the preceding sections 54, 55, 60 and 61, unless reasonable notice has been given to the said party or parties so offending, and the necessary time has been allowed for a compliance with the requirements of said sections; provided, however, that the provisions of this section shall not be applicable to a party or parties who may commit the same offence a second time, or fail to comply with the requirements of said sections, after the notice aforesaid has been given, or when the offence was knowingly or wilfully committed.

When liable
for penalties.

City Code, (1879) Art. 22, Sec. 36. City Code, (1893) Art. 22, Sec. 60.
Ord. 116, June 13, 1894, Sec. 41.

63. No person in charge of any ship or vessel shall permit any fire to be kept on the deck thereof while lying at any wharf or dock within the city, between the hours of ten o'clock at night and five o'clock in the morning, and it shall be the duty of the police officers to visit the bay craft within their respective districts and give information of this regulation to some person on board. The master of any vessel violating the provisions of this section shall pay a penalty of five dollars for each and every offence.

No fire to be
kept on the
deck of any
vessel during
certain hours
at night.

Penalty.

Ord. 26, April 1, 1895.

64. It shall be unlawful for any person to smoke, carry or have any lighted match, pipe, cigar, or cigarette, or to carry or use any portable open light in or upon any wharf, shed, pier or warehouse, wherein or whereon may be any cotton in bales or bulk, rags, hay, spirits of turpentine, petroleum, tar, pitch, rosin, gun-powder, gasoline or illuminating oils.

Matches, pipes
and cigars
not to be
used on
wharves, etc.

Ord. 26, April 1, 1895.

Penalty for
violating pro-
visions of
next preced-
ing section.

65. Any person violating any of the provisions of the next preceding section of this Article shall, upon conviction thereof, be liable to a fine of not less than five nor more than twenty-five dollars.

Shavings.

City Code, (1879) Art. 20, Sec. 70. City Code, (1893) Art. 20, Sec. 77.

Where
deposited.

66. It shall not be lawful for any person or persons to deposit on any vacant lot, except at the distance of at least three hundred feet from any building, or lumber yard, any shavings, chips or other combustible matter; and it shall be the duty of every person or persons, who shall remove such combustible matter to such place as is hereby permitted, to burn them or cause them to be burnt, before five o'clock in the evening of the day on which they are so deposited; and every person offending against the provisions of this section shall forfeit and pay a sum not exceeding twenty dollars.

When to be
burnt.

Safety Regulations for Hotels.

Ord. 78, June 7, 1883. City Code, (1893) Art. 20, Sec. 60.

Plan of hotel
to be kept in
rooms.

67. It shall be the duty of all owners, lessees or persons having charge of or owning any hotel in which twenty-five or more persons can be accommodated, to have placed in each sleeping room of said hotel a plan of the floor on which said room is situated, showing the location of all rooms, halls, passage-ways and openings, and all stairways and fire escapes, and their approaches to and from said floor, and at every corner or turning of any hall or passage-way, to place a conspicuous sign, showing the distance to the nearest stairway and fire escape, with lights so arranged that said signs can be easily read at all hours; also to place such fire escapes as shall be directed by the Inspector of Buildings.**

Fire escapes.

**NOTE.—See *ante*, sections §447a to §447d, inclusive, City Charter, pp. 308, 309, for provisions relating to fire alarm bells in hotels, etc.

Ord. 126, October 3, 1891. City Code, (1893) Art. 20, Sec. 61.

68. It shall be the duty of the Inspector of Buildings, ^{Inspector to visit hotels.} or his assistants, to visit said hotels to ascertain if the provisions of the next preceding section of this Article have been complied with; and if any owner, lessee or person having charge of any hotel, as mentioned in the preceding section, shall fail to comply with the provisions of said section, he, she or they shall forfeit and pay a fine of one hundred dollars for non-compliance therewith, and twenty-five dollars per day for each and every day thereafter that he, she or they shall fail to comply with the provisions of the next preceding section.

INFLAMMABLE AND EXPLOSIVE MATERIALS.

Dynamite, Nitro-glycerine, Etc.

City Code, (1879) Art. 20, Sec. 67. City Code, (1893) Art. 20, Sec. 74.

69. It shall not be lawful for any person, persons, OR ^{Manufacture prohibited.} body corporate, to manufacture within the limits of the city any explosive material or compound, to be used for the purpose of blasting or mining, or for any other purpose, the manufacture of which would be dangerous to life and property, under the penalty of one hundred dollars and a further penalty of fifty dollars for each and every day that such explosive material or compound may be manufactured, after proper notification for discontinuance thereof by the Mayor or Fire Inspector.

City Code, (1879) Art. 20, Sec. 68. City Code, (1893) Art. 20, Sec. 75.

70. It shall not be lawful to store or keep in any building or shed, or deposit upon any vacant lot, or convey through any of the streets, lanes or alleys of the city, any dynamite, nitro-glycerine, or any other explosive material or compound other than gunpowder, unless a permit in writing for such purpose or purposes be first obtained from the Mayor under a penalty of fifty dollars for each offence and a further penalty of fifty dollars for each and every day that such explosive material or compound may remain ^{Storage prohibited without permit.}

stored, kept, deposited or conveyed, as the case may be, after the proper notification from the Mayor or Fire Inspector for a compliance with the provisions of this section.

City Code, (1879) Art. 20, Sec. 69. City Code, (1893) Art. 20, Sec. 76.

Tin sign on
door.

71. In all buildings in which any explosive material or compound, as regulated by the two next preceding sections stored or kept under a permit obtained from the Mayor, it shall be the duty of the person or persons so storing it, to place a tin sign on the door, or some other conspicuous place on the outside of the first story of such building, on which shall be painted in legible letters, the name of the material or compound so stored or kept, under a penalty of twenty dollars, and a further penalty of ten dollars for each and every day after proper notification from the Mayor or Fire Inspector until such sign as above designated shall be posted.

Ord. 229, March 21, 1905.

No blasting
without
written per-
mit.

72. No person shall blast rock or stone or other material or thing with gunpowder, giant powder, dynamite, gun cotton, nitro-glycerine, or any other explosive compound, within the limits of the City of Baltimore, without the written consent of the Mayor.

Ord. 229, March 21, 1905.

Penalty.

73. Any person who shall refuse, neglect or fail to comply with the terms and conditions of the next preceding section of this Article, shall upon conviction thereof, be subject to a fine of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100).

Gasoline, Naphtha and Benzine.

Ord. 225, March 20, 1905.

Quantity of
gasoline that
may be kept
on hand.

74. It shall not be lawful for any person or persons, firm or corporation other than a manufacturer, to have,

use, store or keep at any one time, in any one building within the city of Baltimore, more than one barrel each of naphtha, benzine or gasoline, but this section shall not apply to automobile storage stations or to storage tanks in connection with gasoline boilers or engines.

Automobile storage stations, etc., excepted.

Ord. 225, March 20, 1905.

75. The Inspector of Buildings is authorized and empowered to grant a permit to any person or persons, firm or corporation applying, to construct and maintain an automobile storage station, in which naphtha or gasoline may be stored by one of the following methods only:

Regulations for automobile storage stations.

(A) In an iron or steel tank of design and construction approved by the Inspector of Buildings, said tank to be buried underground at least two feet beneath the surface and the maximum amount stored therein shall not exceed two hundred and seventy-five (275) gallons, and not more than one tank shall be permitted upon the same premises.

Storage tanks.

(B) Or, in approved, sealed, non-corrosive cans, to a maximum amount not exceeding fifty (50) gallons. No sale of naphtha or gasoline in automobile storage stations shall be made except in the transaction of the regular business of such stations in the way of filling tanks of automobiles, and no sale of these oils in cans shall be made in such stations in less amount than the entire contents of a sealed and unbroken package. Immediately upon the receipt of naphtha or gasoline in such stations, the same, unless contained in cans, shall be transferred to the storage tank in such manner as to prevent the leakage and dripping of liquid after the connecting pipe is removed. No such permit shall be granted unless the following precautionary regulations are observed, and upon non-observance of them, or any of them, the said permit shall be revoked and the penalties hereafter provided for in section 79 of this Article, enforced.

Sales in automobile storage stations.

Penalty.

(a) Sand shall be kept in buckets fit and available for absorbing any waste oil that may fall upon the floor and such sand, when saturated, shall be promptly removed to a place and burnt; the use of sawdust for this purpose is prohibited.

Precautionary provisions regarding leakage.

(b) No naphtha or gasoline shall be put into or taken out of any automobile within fifty (50) feet of an open fire, nor until lamps or other apparatus intended to be carried upon the vehicle for illuminating purposes, or as pilot lights, have been extinguished.

(c) In no case shall naphtha or gasoline be allowed to run upon the floor or to fall or to pass into the drainage system of the premises.

(d) Naphtha or gasoline shall not be carried in open vessels about the premises; if it is necessary to convey naphtha or gasoline it must be done in an approved, enclosed, non-corrosive can or cans, with an automatic closing device which shall effectually close the same, and of the capacity most closely adapted for filling the machine, but not exceeding five (5) gallons.

(e) If it is necessary to empty the tanks of automobiles, it shall only be done with the utmost precautions against fire, and the fluid must be returned to the approved can or cans directly with the automatic closing device, which shall effectually close the same.

Ord. 225, March 20, 1905.

Other storage
tanks.

76. The Inspector of Buildings is authorized and empowered to grant a permit to any person, firm or corporation to construct and maintain storage tanks for naphtha or gasoline for power uses other than automobile stations, provided all such tanks shall be constructed of steel, iron or copper, and placed underground, with not less than four (4) feet dirt covering, and further provided that all valves, cocks or other devices by which said tanks are filled, or the oil or vapor is to be taken from the tanks, shall be of such standard make or pattern as shall prevent leakage or improper flow and to be fully approved by the Inspector of Buildings.

Ord. 225, March 20, 1905.

77. The use of gasoline for cooking, heating or other domestic purposes, is prohibited except as hereinafter

provided, but these provisions shall not apply to persons engaged in business as cleaners, dyers or scourers.

Regulations of use of gasoline for domestic purposes; proviso.

(A) All tanks or cans for the delivery or storage of gasoline for domestic use, and all supply tanks or reservoirs connected with gasoline stoves, and the pipes connecting said supply tanks or reservoirs with said stoves, shall be constructed of non-corrosive material. All valves, cocks or devices for filling or emptying said tanks, cans or reservoirs, shall be of such standard make or pattern as to prevent leakage or improper flow. No such reservoir, can or tank shall contain more than five gallons of gasoline at any one time.

(B) Every gasoline stove, unless the reservoir or tank, which feeds such stove shall be entirely outside the building in which such stove is located, shall be so arranged that the cock or valve leading to the burners must be closed before the reservoir or tank can be filled, so that no burner can be lighted or burning, while the reservoir or tank is being filled.

Gasoline stoves; regulating sale of stoves.

(C) No person, firm or corporation shall sell in the city of Baltimore, any gasoline stove, unless said stove and apparatus connected therewith shall conform with the provisions of this sub-division of this Article and said stove shall be stamped with the name of the dealer selling the same.

(D) All persons, firms or corporations engaged in the city of Baltimore in the business of selling gasoline stoves and apparatus connected therewith shall be registered in the office of the Comptroller, who upon payment of an annual fee of ten dollars (\$10.00) by such person, firm or corporation, shall issue to the applicant a permit to sell such stoves and apparatus. No stove or apparatus, where the reservoir is designed to be within the same building as the stove, shall be sold by such person, firm or corporation.

Persons selling gasoline stoves and apparatus to be registered and pay registry fee.

Ord. 225, March 20, 1905.

78. No gasoline shall be sold to domestic consumers except in the original package, unless the purchaser shall be provided with and present to the dealer a proper non-corrosive metal can with approved screw top and spout of not greater diameter than one-quarter of an inch.

Sale of gasoline for domestic purposes.

Ord. 225, March 20, 1905.

Penalties for
unlawful sale
and use of
gasoline and
gasoline
stoves and
apparatus.

79. Any person or persons, firm or corporation selling or offering to sell any gasoline, stove or apparatus in violation of the provisions of sections 74 to 78 inclusive, of this Article shall forfeit and pay a fine of fifty dollars (\$50) for each offence and forfeit license; and any person or persons, firm or corporation using any stove or apparatus in violation of sections 75 to 78, inclusive, of this Article shall forfeit and pay a fine of ten dollars (\$10) for each offence; and any person or persons, firm or corporation selling gasoline to domestic consumers in violation of the next preceding section of this Article, shall forfeit and pay a fine of fifty dollars (\$50) for each offence; and any person or persons, firm or corporation violating any other provision of the five next preceding sections of this Article, shall forfeit and pay a fine not exceeding fifty dollars (\$50) for each offence.

Gunpowder.

City Code, (1879) Art. 20, Sec. 54. City Code, (1893) Art. 20, Sec. 64.

Carriage
through city.

80. All gunpowder carried or conveyed to or from any place in or through the city, shall be first well secured with a good bag or bags, or covered with a sail or other cloth under and around it, so as effectually to secure the same from scattering or sifting out, under a penalty of ten dollars for every quarter barrel, or twenty-five pounds weight, carried or conveyed otherwise than is herein provided, to be recovered of the owner of said powder, or the person having charge of the same, or of the person actually conveying or carrying the same, or any of them.

City Code, (1879) Art. 20, Sec. 55. City Code, (1893) Art. 20, Sec. 65.

Quantity that
may be kept.

81. No person or persons shall have or keep in his, her or their possession, within the limits of the city, whether in any building or shed, or in the street, or upon any lot or premises whatever, or in any wagon, cart, dray or other carriage, any quantity of gunpowder exceeding fifty pounds in weight, (which shall be well secured in tin canisters or

****NOTE.**—The provisions of section 80 appear to be archaic.

wooden kegs), under a penalty of twenty-five dollars for every violation of this section, by having above the quantity hereby allowed ; provided, that this penalty shall not apply to gunpowder being conveyed and actually *in transitu*, without stoppage, (except sufficient time for the purpose of delivery,) through the streets of the city of Baltimore, for the purpose of shipment or transportation beyond the city.

City Code, (1879) Art. 20, Sec. 56. City Code, (1893) Art. 20, Sec. 66.

82. Any person or persons keeping gunpowder in their store or warehouse, shall have it kept in a tin canister near one of the front doors, and a tin sign placed on the outside of the door marked "gunpowder." Any person or persons failing to comply with the provisions of this section, shall forfeit ten dollars to the use of the city of Baltimore, to be collected as small debts are, before a single Justice of the Peace in the name of the Mayor and City Council of Baltimore.

How to be kept.

City Code, (1879) Art. 20, Sec. 57. City Code, (1893) Art. 20, Sec. 67.

83. The Mayor, or any Justice of the Peace, is hereby authorized, as often as he shall be informed upon oath of probable cause to suspect any person or persons of concealing or keeping within the said city, any quantity of gunpowder over and above fifty pounds as aforesaid, to issue a search warrant to examine into the truth of such allegation or suspicion, and search any place whatever therein.

Search warrant.

Manufacture of Oils.

City Code, (1879) Art. 20, Sec. 59. City Code, (1893) Art. 20, Sec. 69.

84. It shall not be lawful for any person or persons to erect, build or have put up or use any building or buildings for the manufacture of camphine, pine, ethereal or coal oil, refined petroleum oil, kerosene or carbon oil, and all oils manufactured from coal, rock or earth oil, and petroleum within the limits of the city without first obtaining the

Erection of buildings.

sanction of the Mayor and City Council of Baltimore ; and ten days notice immediately preceding the application to the Mayor and City Council of Baltimore shall be given by at least four insertions in two or more of the daily papers of the city, setting forth the purpose of said application, the street, alley or court and square of ground on which the contemplated manufactory is to be erected or put up ; and any person or persons violating this section shall be subject to the penalty of not less than twenty dollars nor more than fifty dollars, and the further penalty of twenty dollars for each and every day such manufactory shall remain ; provided, that nothing in this section shall apply to manufactories of coal and other oils now erected and in use in said city.

Storage of Oils.

City Code, (1879) Art. 20, Sec. 62. City Code, (1893) Art. 20, Sec. 70.

Manufacturers
of coal oil,
naphtha and
benzine.

85. Manufacturers, refiners or distillers of coal or rock oil, naphtha or benzine, may keep or store in their factories such quantities of oil, naphtha or benzine as they desire ; provided always that the said manufactory is carried on in a brick, stone or fire proof building or buildings, not nearer than fifty feet to any other building, and if in a frame building, no nearer than one hundred feet to any other building.

City Code, (1879) Art. 20, Sec. 63. City Code, (1893) Art. 20, Sec. 71.

How kept for
sale.

86. Refined petroleum, earth or rock oil, or coal oil or kerosene oil, for illuminating purposes, may be kept on sale in stores, dwelling houses or other buildings.

City Code, (1879) Art. 20, Sec. 66. City Code, (1893) Art. 20, Sec. 73.

Penalties.

87. Any person, persons or corporation, who shall violate any of the provisions of the two next preceding sections of this Article, shall forfeit and pay a fine of fifty dollars for each and every offence, and ten dollars for each and every day thereafter the said violation continues.

88. All fines, penalties and forfeitures incurred by the violation of any of the provisions of this Article, shall be recovered as other fines, penalties and forfeitures imposed for the violation of city ordinances are recoverable, and when collected, shall be paid to the Comptroller.

Collection of
fines, pen-
alties and
forfeitures.

ARTICLE XII.

GAMING.

ORDINANCES.

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| 1. Penalty for fraudulent gaming and betting. | suppress gaming; procedure of police; penalty for obstructing police. |
| 2. Penalty for gaming in licensed houses of entertainment; liability of keepers of same. | 5. Penalty for racing horses for gain. |
| 3. Penalty for keeping gaming tables, etc. | 6. Penalty for playing long bullets. |
| 4. Police to give information of gaming to Mayor; police to | 7. Collection of fines and penalties imposed under this Article. |

City Code, (1879) Art. 21, Sec. 1. City Code, (1893) Art. 21, Sec. 1.

1. If any person or persons shall, within the city of Baltimore, by any fraud, cozenage, deceit, unlawful device, or evil practice whatsoever, in playing at or with cards, dice or any other game or games, play for, win, obtain or acquire to him or themselves, or others, any sum or sums of money or other valuable thing, or shall, knowing of such fraud, bear a share or part in the wager, stake or adventure so played for, or shall, with the like knowledge, bet on the side or hand of such gamesters, every such person being convicted thereof, shall for every offence forfeit and pay twenty dollars.

Penalty for
fraudulent
gaming and
betting.

City Code, (1879) Art. 21, Sec. 2. City Code, (1893) Art. 21, Sec. 2.

Penalty for
gaming in
licensed
house, etc.

2. If any person or persons shall at any time, in any ordinary or licensed house of entertainment within the city, or in any house attached thereto, or upon the lot or premises whereon such licensed house is or may be situate or erected, win or lose one cent or upwards, or the value thereof, at cards or any other game, every such person or persons on conviction thereof, shall forfeit and pay one hundred dollars for every offence; and if any ordinary keeper shall suffer or permit any person or persons to lose one dollar or upwards, or the value thereof, at any time in his house, at any game or games whatsoever, knowing the same, he shall forfeit and pay for every such offence the sum of one hundred dollars.

Liability of
keepers of
same.

City Code, (1879) Art. 21, Sec. 3. City Code, (1893) Art. 21, Sec. 3.

Penalty for
keeping
gaming
tables, etc.

3. If any person or persons shall within the city set up, keep or maintain any E. O., A. B. C., rooley pooley or faro table, faro bank or device, or game of hazard or address, (except games licensed under the Article 41 of this Code, title "Water Rents and Licenses,") for the purpose of public gaming, such person or persons shall for each and every offense forfeit and pay fifteen dollars on conviction thereof; and the occupier or occupiers of the house, out-house or place in which such public gaming takes place, shall forfeit and pay twenty dollars for each and every day such game is played, or such E. O., A. B. C., rooley pooley or faro bank, faro table or other device for the purposes aforesaid, shall be set up, kept or maintained on his or their table.

City Code, (1879) Art. 21, Sec. 4. City Code, (1893) Art. 21, Sec. 4.

Police to give
information.

4. It shall be the duty of the police officers to give information to the Mayor or other magistrate, of each house or other place within the city wherein such games

NOTE.—As to form of indictment and other matters in relation to prosecutions for keeping gaming tables, *see*,—State *v.* Price, 12 G. & J. 260; Wheeler *v.* State, 42 Md. 566.

or devices or tables for the purpose of gaming are, or may be set up, kept or maintained; and the said police officers shall take all lawful means to suppress and prevent the playing at the tables, games or devices as aforesaid; and for this purpose, when and as often as anyone of them shall have reasonable cause to suspect that any such table, game or device is set up, kept and maintained as aforesaid, he shall apply to a Justice of the Peace for a warrant, and shall state under oath the cause of such suspicion, whereupon the said justice may, in his discretion, grant a warrant to any police officer or officers, authorizing him or them to enter such house, houses or place or any room within the same; and the said police officer or officers shall thereupon have authority to demand entry therein; and any person who shall refuse or neglect to open the door or entrance to such house, houses or place, or any room within the same, upon the application of any police officer having such a warrant, for every offence shall forfeit and pay twenty dollars.

To suppress gaming.

Mode of proceeding.

Penalty.

City Code, (1879) Art. 21, Sec. 5. City Code, (1893) Art. 21, Sec. 5.

5. No person or persons shall within the city of Baltimore, enter, start or run any horse, mare or gelding, for any plate, prize, sum of money or thing of value; and in case any person or persons shall enter, start or run any horse, mare or gelding within said city, for any plate, prize or sum of money or other thing of value, each and every such person, and each and every owner of such horse, mare or gelding, knowing and consenting to the same, shall severally forfeit and pay the sum of five hundred dollars for each and every offence.

Prohibiting horse-racing; penalty.

City Code, (1879) Art. 21, Sec. 6. City Code, (1893) Art. 21, Sec. 6.

6. It shall not be lawful for any person or persons to play at the game commonly called long bullets, or by whatever name the same may be hereafter called, within the limits of the city, under a penalty of two dollars for each and every offence.

Long bullets prohibited.

Collection of
fines and
penalties im-
posed under
this Article.

7. All fines incurred by the violation of any of the provisions of this Article, whether as a penalty or forfeiture, shall be recovered as other fines imposed for the violation of city ordinances are recoverable, and when collected shall be paid to the Comptroller.

ARTICLE XIII.

HARBOR, DOCKS AND WHARVES.

ORDINANCES.

Harbor Board.

Harbor Engineer.

1. Duties; duties of subordinates; oath; bonds.

Assistant Harbor Masters.

2. Number of, and compensation.

Contracts.

3. Harbor Board to control manner of performing harbor work done by contractors; Board to retain twenty per cent. of contract price as security.

Anchorage.

4. To mark anchorages by buoys.
5. Limits of Anchorage No. 1.
6. Anchorage No. 2.
7. Anchorage No. 3.
8. Anchorage No. 4.
9. Regulations for use of anchorages; signal lights; obstructing vessels to move; penalty.

Bulkheads, Piers and Wharves.

Bulkhead and Pierhead Lines.

10. Limiting lines beyond which no extensions shall be made.

11. No extensions of wharves, etc. without permit; all work to be under supervision of Harbor Board; penalty for unauthorized work, etc.; proviso as to city property.

12. Harbor Master to repair and rebuild public wharves; construct bulkheads at termination of streets leading to harbor; to require private wharves to be repaired; to give notice to owners to repair; when Board shall repair at expense of owners; penalty.

13. Sale of unclaimed merchandise on city wharves; sale of perishable articles.

14. Fruits, fish and vegetables to be removed when a nuisance.

Dockage and Wharfage.

15. Collection of, by Harbor Master and assistants; monthly returns by Assistant Harbor Masters; accounts; expenses.
16. Dockage charges; double rates after six days; Harbor Master may extend time.
17. Rates of wharfage on specified commodities; half rates for goods re-shipped; may require goods removed on same day.
18. Tonnage enrollment or license of vessel to be exhibited; liability of vessels for wharfage; master of vessel to furnish bills of lading; no vessel to leave until dockage charges paid; penalty.

Obstruction and Pollution of Harbor.*Obstructions.*

19. Sunken vessels to be removed by owners; penalty; when Harbor Board shall remove same; Mayor to recover costs of such removal and fines.
20. Board to secure and remove obstructions to navigation; penalty for setting obstructions adrift.

Cleaning Docks.

21. Board to remove deposits in docks and harbor.
22. When docks in condition of nuisance Commissioner of Health to notify owners; owner or occupier to clean on receipt of notice; penalty for neglect to clean docks; said commissioner may have work done at expense of owners.

Pollution of Harbor by Gas Liquors.

23. Liquors from gas works not to be discharged into harbor, etc.; penalty.

Pollution of Patapsco River and Tributaries.

24. To prevent deposits of refuse in Patapsco and tributaries; no material to be deposited without permit; compensation for permission; penalty.

Swimming in Harbor.

25. When swimming prohibited; indecent exposure; penalty.

Vessels.*Ashes.*

26. Board to provide for removal of ashes from tow-boats.

Ice Boats.

27. Board to control and manage same; purposes for which to be used; charges for special use; application of sums so received; to insure ice-boats.

Gang Planks.

28. Passenger vessels to be provided with gang planks; specifications for and use of same; penalty.

Speed Regulations.

29. Speed of vessels in harbor; penalty for exceeding speed.

Wharf and Pier Regulations.

30. Harbor Master to regulate vessels to facilitate use of wharves; to control public wharves; penalty for violation of regulations.

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| <p>31. Restricting retailing goods from vessels; penalty for violations.</p> <p>32. No vessel to lie at any pier or wharf so as to obstruct other vessels; penalty for master of obstructing vessel.</p> <p style="text-align: center;"><i>Entering Docks.</i></p> <p>33. Vessels entering public docks must have permission of Harbor Master; Harbor</p> | <p>Master to provide berth; penalty for disobedience to Harbor Master.</p> <p style="text-align: center;"><i>Rigging.</i></p> <p>34. Regulation of yards, jib-booms and anchors of vessels while at public wharves or docks; penalty for violation.</p> <p style="text-align: center;">Fines and Penalties.</p> <p>35. Collection of fines; penalty for obstruction of Harbor Master.</p> |
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HARBOR BOARD.

Harbor Engineer.

City Code, (1879) Art. 22, Sec. 9. City Code, (1893) Art. 4, Sec. 9.
Ord. 116, June 13, 1894, Sec. 4.

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| <p>Duties.</p>

<p>Duties of subordinates.</p>

<p>Oath.</p>
<p>Bonds.</p> | <p>1. Under direction of the Harbor Board the Harbor Engineer shall direct and supervise the work of the sub-department and make reports of same to the Board, and the subordinates appointed by the Harbor Engineer subject to the approval of the Harbor Board shall perform such duties as may be required of them by the Harbor Board; all of them to be sworn to a faithful performance of their work and such as should be bonded to protect the public interests to give bond in such penal sum as the Harbor Board may deem sufficient.</p> |
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Assistant Harbor Masters.

City Code, (1879) Art. 22, Sec. 19. City Code, (1893) Art. 22, Sec. 43.
Ord. 116, June 13, 1894, Sec. 28. Ord. 27, March 9, 1896.

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| <p>Number and compensation.</p> | <p>2. The Comptroller shall appoint such Assistant Harbor Masters as may be needed by the Harbor Master to per-</p> |
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NOTE.—The references to Art. 22, City Code, (1893) give the section numbers of said Article as arranged prior to the passage of Ord. 146, approved June 13, 1894, which re-ordained Article 22 of the City Code of 1893; following the citations of said ordinance herein, will be found the particular section number given in said ordinance to the section amending the corresponding section in the Code of 1893.

form the duties of his office. The Comptroller shall fix the monthly compensation of the Assistant Harbor Masters not to exceed in the aggregate twenty per cent. of the monthly collections of all the Assistant Harbor Masters.

Contracts,

City Code, (1879) Art. 22, Secs. 4, 5. City Code, (1893) Art. 22, Secs. 4, 5. Ord. 116, June 13, 1894, Secs. 5, 6.

3. In all contracts made by the Harbor Board in which such a stipulation shall be appropriate, the Harbor Board shall reserve to itself the right to control and regulate the manner of performing the work or carrying out the contract, so as to guard against giving unnecessary obstruction or interference to any legitimate business carried on in the harbor; and in the case of all contracts made by the Harbor Board, it shall retain twenty per centum of all monies due before the completion of the contract as a security for the contractor's compliance with all the terms of the contract.

Harbor Board
to control
manner of
performing
work done
by
contractors.

20% to be
retained.

ANCHORAGES.

Ord. 61, May 30, 1879. City Code, (1893) Art. 22, Sec. 25. Ord. 116, June 13, 1894, Sec. 20. Ord. 142, May 21, 1901.

4. The Harbor Board is authorized and directed to cause anchorages No. 1, No. 2, No. 3, and No. 4 to be marked by buoys or otherwise.

Buoys to mark
anchorages.

Ord. 61, May 30, 1879. City Code, (1893) Art. 22, Sec. 26. Ord. 116, June 13, 1894, Sec. 21. Ord. 142, May 21, 1901.

5. Anchorage No. 1 shall be within these lines, namely, south of a line drawn from the west corner of Shaw's coal pier to the northeast corner of the pier at Beacham & Brothers ship-yard. No vessel shall anchor within 500 feet of any pier fronting this anchorage.

Anchorage
No. 1.

Distance of
vessels.

Ord. 49, April 28, 1888. City Code, (1893) Art. 22, Sec. 28. Ord. 116, June 13, 1894, Sec. 22. Ord. 142, May 21, 1901.

Anchorage
No. 2.

6. Anchorage No. 2 shall be within these lines, namely: a line drawn from the southern corner of Water's northern wharf to the northern corner of the coal pier, (foot of Ninth street), until it intersects a line drawn from the easternmost end of Ober's wharf to the southwestern corner of the Canton Company's bulkhead; thence northeasterly along land last described here. No vessel shall anchor within 300 feet of any pier or bulkhead fronting this anchorage.

Distance of
vessels.

Ord. 118, October 20, 1886. City Code, (1893) Art. 22, Sec. 30. Ord. 116, June 13, 1894, Sec. 23. Ord. 142, May 21, 1901.

Anchorage
No. 3.

7. Anchorage No. 3 shall be within these lines, namely, a line drawn from the southern corner of Water's northern wharf to the northern corner of the coal pier, (foot of Ninth street), until it intersects a line drawn from the westernmost end of the Baltimore Dry Dock Company's wharf to the southern corner of the elevator, (foot of Sixth street); thence easterly along said last described line until it intersects a line five hundred feet west of the new pierhead line parallel to same; thence northerly along said last described line until it intersects a line drawn from the northern corner of the Baltimore Copper Company's bulkhead to the easternmost end of Ober's wharf, thence westerly along said described line until it intersects the first described line.

Ord. 70, May 17, 1881. City Code, (1893) Art. 22, Sec. 32. Ord. 116, June 13, 1894, Sec. 24.

Anchorage
No. 4.

8. Anchorage No. 4 shall be within the following described lines, viz., southeast from Fort McHenry and southwest of a line drawn parallel to the ship channels and three hundred feet distant therefrom.

Ord. 61, May 30, 1879. City Code, (1893) Art. 22, Secs. 27, 29, 31.

Ord. 116, June 13, 1894, Sec. 25. Ord. 142, May 21, 1901.

Ord. 53, May 7, 1902.

9. The anchorage shall be used only as permitted by the Harbor Board, which may prescribe the time vessels may occupy the anchorage and the terms and conditions upon which they may load and discharge cargoes therein. All vessels anchoring in the harbor shall anchor so as to keep within one of said anchorages, and be subject to all rules and regulations which the Harbor Board may enforce. All vessels when at anchor between sunset and sunrise shall show a white light where it can be seen best at a height about twenty feet above the hull; any vessel anchored so as to obstruct the free passage of any other vessel to or from any wharf or dock, shall remove to such place as the Harbor Board may direct upon a half hour's notice and if no person be on such vessel upon whom said notice can be served, then the Harbor Board must have such vessel removed and the expense for the same shall be paid to the Harbor Board by the master of such vessel. The master of any vessel violating this section, shall pay a penalty of twenty dollars (\$20) and a further penalty of five dollars (\$5) for every hour the offence continues.

Regulations
for using
anchorages.

Signal lights.

Vessels
obstructing,
to remove.

Penalties.

BULKHEADS, PIERS AND WHARVES,

Bulkhead and Pierhead Lines.

Ord. 83, May 17, 1881. Ord. 109, July 6, 1886. City Code, (1893) Art. 22,

Sec. 17. Ord. 116, June 13, 1894.

10. The Pierhead Line of 1900, established for the Patapsco river by Act of the Secretary of War, and the lines inside the pierhead line in portions of the harbor shown on plats numbered from one to five signed by the Mayor and the Harbor Board under Ordinance 116 of 1894, are hereby declared to be the limiting lines beyond which no extension shall be made.

Act of Secre-
tary of War
and ordin-
ances relat-
ing thereto.

Classen v. Chesapeake Co., 81 Md. 258.

NOTE.—*See*, Res. 288, October 8, 1894, relating to use of public wharf at foot of Charles street by U. S. Naval Reserve Militia of Maryland.

City Code, (1879) Art. 22, Sec. 97. City Code, (1893) Art. 22, Sec. 15.
Ord. 116, June 13, 1894, Sec. 18.

No extensions
of wharves,
etc., without
permits.

11. No extension of wharves, piers, bulkheads or piling shall be made without permission from the Mayor and City Council of Baltimore, or from the Harbor Board when the City Council is not in session, and the provisions of section 463 of the City Charter declaring that no person shall extend any wharf without laying before the Harbor Board a plan of said wharf and obtaining the consent of the Harbor Board shall likewise be applicable to piers, bulkheads or piling; and all work permitted under this section shall be done to the satisfaction and under the supervision of the Harbor Board; any violation of this section shall subject the offender to a fine not exceeding one hundred and fifty dollars (\$150) and ten dollars (\$10) for every day the offence continues; provided, however, the provisions of this section shall not apply to city property in so far as relates to construction of bulkheads and piers fronting on the harbor.

Penalty.

Williams v. Baker, 41 Md. 528. *Balto. & O. R. R. Co. v. Chase*, 43 Md. 23. *Horne v. Pleasants*, 66 Md. 475. *Classen v. Chesapeake Co.*, 81 Md. 258.

City Code, (1879) Art. 22, Sec. 14. City Code, (1893) Art. 22, Sec. 18.
Ord. 116, June 13, 1894, Sec. 19.

To repair and
rebuild pub-
lic wharves.

12. It shall be the duty of the Harbor Board to cause all public wharves to be rebuilt and repaired when in its opinion the same may be necessary; to cause to be built solid and substantial bulkheads, of durable materials, at the end or termination of all streets, lanes and alleys leading to or binding on the harbor, when the same may be proper and necessary; and to require all private wharves, that are decayed or defective, or from any other cause likely to be injurious to navigation or to health, to be rebuilt or repaired within a reasonable time, to be prescribed in a written notice, (not less than thirty days), to to be served on the agent, owner, or occupier of such wharf, and the owners of lots binding on or running to the harbor, shall cause the same to be secured in such manner

To require
private
wharves to be
rebuilt or
repaired.

Notice.

as the Harbor Board may think proper, so that no injury can result therefrom to navigation or to health, and if the owner is a minor, or cannot be found, it shall be the duty of the Harbor Board to have the wharf or lot secured at the expense of the owner, to be recovered by the Mayor and City Council of Baltimore in due course of law; any person who fails to comply with the requirements of this section shall pay a fine of ten dollars for every day of non-compliance.

When board-
shall repair.

Penalty.

City Code, (1879) Art. 22, Sec. 79. City Code, (1893) Art. 22, Sec. 107.
Ord. 116, June 13, 1894, Sec. 37.

13. Whenever the owner or agent of any merchandise on any city wharf cannot be ascertained by the Harbor Master after the same has been thereon forty-eight hours, the Harbor Master may remove the same to some convenient and safe place, and sell the same, upon giving at least thirty days' notice; but perishable articles may be sold at the discretion of the Harbor Master, and any owner or agent of said merchandise who shall claim the same before the sale thereof, may take the same upon paying the wharfage and all other expenses.

Merchandise
on wharves
unclaimed.

Sale of perish-
able articles
on wharves.

City Code, (1879) Art. 22, Sec. 81. City Code, (1893) Art. 22, Sec. 109.
Ord. 116, June 13, 1894, Sec. 38.

14. The Harbor Master is hereby authorized and directed to cause all watermelons and other fruits, fish, vegetables and refuse to be removed from the public wharves whenever they shall become a nuisance, and the owner of any such watermelons, or other fruit, fish or vegetables, shall pay a penalty of ten dollars for every day the same shall remain after notice to remove the same has been given to the owner by the Harbor Master.

Fruits; fish and
vegetables to
be removed
when a
nuisance.

Dockage and Wharfage.

City Code, (1879) Art. 22, Secs. 31, 34. City Code, (1893) Art. 22, Secs. 55, 58. Ord. 116, June 13, 1894, Secs. 29, 30.

15. It shall be the duty of the Harbor Master to have daily collections made of all amounts due for dockage and

Duties of Harbor Master and Assistants in relation thereto wharfage, and whenever any amount is due two days and the pay not secured to the satisfaction of the Harbor Master, he shall enforce the payment thereof in the same manner as other city dues are collected. It shall be the duty of the Assistant Harbor Masters to make monthly returns on oath and to pay all money collected by them to the City Register through the Harbor Master, specifying the source from which collections were made for dockage and wharfage. The City Register shall furnish to the Harbor Master and Assistants the necessary books in which to keep their accounts, which shall be returned to the City Register when filled or a change of officers takes place, and all expenses on account of the Harbor Master and Assistants shall be paid from the money collected by them.

Accounts.

Expenses.

City Code, (1879) Art. 22, Sec. 57. City Code, (1893) Art. 22, Sec. 85.
Ord. 116, June 13, 1894, Sec. 31.

Rates per diem for dockage. **16.** All vessels, including barges and scows, lying at any city wharf or dock, shall pay dockage according to the following rates per diem, or for any less time, namely: under eight tons, fifty cents; from eight to fifty tons, one dollar; from fifty to one hundred and fifty tons, one dollar and fifty cents; all over one hundred and fifty tons, one cent per ton and all vessels outside of first tier shall pay one-half of these rates; any vessel occupying the first and second tiers shall pay double the above rates for every day above six, and treble for every day above twelve that it shall remain at any wharf or dock aforesaid, unless allowed to remain longer by the Harbor Master, who is hereby authorized to extend the time for said vessels in all cases when he may think the public interest is promoted thereby.

Harbor Master may extend time, otherwise rates will be increased as provided.

City Code, (1879) Art. 22, Secs. 59, 66. City Code, (1893) Art. 22, Secs. 87, 94. Ord. 116, June 13, 1894, Secs. 34, 35.

Rates of wharfage. **17.** All goods, wares, merchandise or other articles landed at or upon and shipped from any public wharf shall pay the following rates of wharfage per calendar day or fraction thereof, or for any less time the same shall remain

thereon: bags of coffee, ginger, pepper or any other articles in similar bags, each one cent; bales of Commodities. merchandise, cotton, dry goods, etc., each four cents; barrels of flour or product, each one cent; larger barrels, each two cents; boxes of sugar, dry goods and foreign drugs, gums, etc., each three cents; boxes of raisins, soap, candles, etc., each one-half cent; castings of all kinds, per ton, fifteen cents; carriages, wagons or carts, each twelve and one-half cents; coal per ton of twenty-eight bushels, plaster, etc., five cents; crates of ware or hampers of bottles, etc., each four cents; dye woods of all kinds, per ton, fifteen cents; grain, per bushel, and all other articles sold by the bushel, not exceeding one-half cent; hides and leather, per hundred sides, thirty cents; hogsheads and pipes of every description, containing merchandise or otherwise, each, six and one-quarter cents; iron or steel, per ton, ten cents; kegs of nails, shot, raisins, butter, lard etc., each, one cent; tierces of every description, containing merchandise or otherwise, each, four cents; bananas, one-half cent per bunch; pineapples, fifteen cents per thousand; watermelons, ten cents per hundred; all other goods not enumerated in the above list, to pay in proportion. On all lumber landed upon any city wharf, fifteen cents per thousand feet; shingles, five cents per thousand; laths, three cents per thousand; and for every ten days, or part thereof, a similar charge may be collected. All goods shipped from one vessel to another shall pay one-half of the above rates, to be paid by the vessel shipping the goods. Half rates for goods re-shipped. The Harbor Master may require anything landed on any public wharf to be removed on the same day, or subject the same to a daily penalty of fifteen cents for each foot occupied of the length of the wharf.

Ord. 116, June 13, 1894, Sec. 32. Ord. 87, October 20, 1897.

18. The master of any vessel subject to the payment of dockage shall exhibit to the Harbor Master upon request, the enrollment or license of said vessel to show the proper tonnage thereof; any vessel landing or Tonnage enrollment or license to be exhibited.

Bills of lading to be furnished. Dockage charges to be paid. Penalty.	receiving cargo at a city wharf shall be responsible for the wharfage on the same, and the master of such vessel shall furnish the Harbor Master, upon request, with the manifest or bills of lading of cargo, and no vessel shall leave the wharf until all charges are paid for dockage and wharfage; the master of any vessel who violates this section shall pay a penalty of twenty dollars.
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OBSTRUCTION AND POLLUTION OF HARBOR.

Obstructions.

City Code, (1879) Art. 22, Sec. 12. City Code, (1893) Art. 22, Sec. 12.
Ord. 116, June 13, 1894, Sec. 10.

Sunken vessels to be removed by owners. Penalty. When Harbor Board shall remove same. Mayor to re- cover costs and fines.	<p>19. The Harbor Board shall cause to be removed, in such time as it may deem reasonable, all vessels which may be sunk in the harbor or port of Baltimore; and the owner or owners of such sunken vessel who refuse or neglect to remove the same when directed to do so by the Harbor Board shall pay a fine of ten dollars per day for every day the said vessel shall remain after due notice as aforesaid, and in case the owner or agent of such sunken vessel cannot be found then the Harbor Board shall proceed to remove said vessel, and as soon as the owners or agent of such sunken vessel so removed shall be found, the Mayor shall proceed to recover by law the amount expended for the removal of said vessel, and also such fine as may be recovered under this section.</p>
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City Code, (1879) Art. 22, Secs. 87, 88, 89. City Code, (1893) Art. 22,
Secs. 80, 81, 82. Ord. 116, June 13, 1894, Sec. 13.

Relating to obstructions to navigation.	<p>20. The Harbor Board shall have secured all obstructions to navigation that may be found drifting about or otherwise obstructing navigation, and shall notify the owner or agent of the same that the said obstruction has been so secured and held at the expense of the owner; and if not claimed within ten days the Harbor Board shall sell the same, and any balance after the expense of securing has been paid shall be held by the City Register to be paid to the owner, if</p>
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claimed within twelve months. Any person who shall cast loose, set adrift or place any object likely to become an obstruction to navigation shall pay a fine not exceeding fifty ^{Penalty.} dollars.

Cleaning Docks.

City Code, (1879) Art. 22, Sec. 18. City Code, (1893) Art. 22, Sec. 22.
Ord. 116, June 13, 1894, Sec. 7.

21. The Harbor Board shall remove all deposits from the harbor and docks into which said deposits empty, whenever the Harbor Board may deem it right and proper to do so, without serious interference with the main work of harbor improvement. ^{Removal of deposits.}

City Code, (1879) Art. 23, Sec. 18. City Code, (1893) Art. 23, Sec. 34.

22. Whenever the Commissioner of Health shall be of opinion that the navigation at any of the wharves or docks, from not being sufficiently deepened and cleaned, is in such a condition that a nuisance may be created thereby, he shall cause a notice to be served upon the occupier or occupiers, agent or agents, owner or owners of any wharf or wharves, dock or docks, to deepen or clean the navigation at any wharf or dock in such manner as may be prescribed in such notice; and if such owner or owners, occupier or occupiers, agent or agents shall neglect or refuse to deepen or clean the same, each person so offending shall forfeit and pay ten dollars, and the further sum of five dollars for each and every day he, she or they shall so neglect or refuse, and shall moreover pay the expense incurred in case the navigation of such wharf or dock shall be deepened and cleaned under the authority and direction of said commissioner, which he is hereby authorized to cause to be done on such neglect or refusal, within five days, under the superintendence of the Harbor Board. ^{Cleaning of docks.}

Pollution of Harbor by Gas Liquors.

City Code, (1879) Art. 22, Sec. 54. City Code, (1893) Art. 22, Sec. 78.
Ord. 116, June 13, 1894, Sec. 9.

Liquors from
gas works
not to be dis-
charged in
harbor, etc.

23. If any gas company, or any other company or person, shall discharge or cause any water to flow into Jones' Falls, Harford run, Chatsworth run, Schroeder's run, or any portion of the harbor or Spring Gardens, or any of the streams or sewers running thereinto in which water there may be any gas-tar or other lees or dregs, the company or person so offending shall pay a fine of twenty dollars for such offence, and a further fine of twenty dollars for every day the offence continues.

Penalty.

Pollution of Patapsco River and Tributaries.

Ord. 116, June 13, 1894, Sec. 8. Ord. 73, May 17, 1895.

Regulating
deposit of
refuse in
Patapsco, etc.

24. No material, refuse, or matter of any kind shall be thrown into, deposited in or placed where the same may fall or be washed into the Patapsco river, or any of its tributaries, without written permission from the Harbor Board, and the Harbor Board is authorized to employ supervisors to see that any material permitted to be deposited is placed where directed by the Harbor Board; and the person applying for or receiving said permission shall pay for the services of said supervisors such rates as the Harbor Board may deem reasonable and just. Any person violating this section shall pay a fine of not less than five nor more than fifty dollars, and the Harbor Board is specially charged with the execution of the provisions of this section.

Compensation
for permis-
sion.

Penalty.

Swimming in Harbor.

City Code, (1879) Art. 22, Sec. 96. City Code, (1893) Art. 22, Sec. 84.
Ord. 116, June 13, 1894, Sec. 14.

Relating to
swimming or
bathing in
Jones' Falls
or Patapsco.

25. It shall not be lawful for any person to swim or bathe at any time between the hours of seven in the morning and eight in the evening in any part of Jones' Falls or of the Patapsco river within the limits of the city so as to make an indecent exposure under a fine of not less than one dollar nor more than five dollars.

Penalty.

VESSELS.

Ashes.

Ord. 32, April 17, 1891. Ord. 116, June 13, 1894, Sec. 11.

26. The Harbor Board is authorized and directed to provide a suitable barge or scow, and under such regulations as the Harbor Board may find necessary, to receive on the same the ashes from the tow-boats in use in the harbor; the said ashes to be deposited where they will not be injurious to navigation or health.

Removal of
ashes from
tow-boats.

Ice Boats.

Ord. 116, June 13, 1894, Sec. 12.

27. Subject to the provisions of sections 480 to 485, inclusive, of the City Charter, and such ordinances as may be ordained by the Mayor and City Council of Baltimore, the Harbor Board shall control and manage the ice boats and shall have no power to permit the use of said boats for any other purpose than to aid the commerce and navigation of the port and to keep the harbor and the approaches thereto free from obstruction by ice, in such manner as the Harbor Board may deem best; and in all cases of special use of the boats, in any way of relief or otherwise, the Harbor Board may make such charges for said use as it may deem reasonable and just, and apply the sum received for the same towards the expenses of the boats; and the Harbor Board is authorized to have the ice boats insured for amounts not exceeding eighty per cent. of their values.

To control and
manage.

Charges for
special uses.

Gang Planks.

City Code, (1879) Art. 22, Secs. 85, 86. City Code, (1893) Art. 22, Secs. 112, 113. Ord. 116, June 13, 1894, Sec. 16.

28. All vessels (except tugs) carrying passengers shall be provided with a gang-plank at least four feet wide, with a hand-rail on each side thereof four feet high, the space between the hand-rail and the gang-plank to be so enclosed

Relating to
gang-planks.

as to prevent any person passing over said gang-plank from falling overboard; said gang-plank to be used by said vessel at all times upon making'fast to any wharf or pier in the city of Baltimore for the purpose of embarking or debarking passengers; the master of any vessel violating this section shall pay a fine of fifty dollars.

Speed Regulations.

City Code, (1879) Art. 22, Sec. 91. City Code, (1893) Art. 22, Sec. 79.
Ord. 116, June 13, 1894, Sec. 15. Ord. 24, May 27, 1897.

Speed of ves-
sels in harbor.

29. No vessel shall move in the harbor at a greater rate of speed than the time hereby fixed to pass between the following points: From a point on a line from Patterson street wharf to the west end of Reeder's wharf to a point on a line from Henderson's wharf to the foot of Hull street, nine (9) minutes; thence to a point off Foley's wharf, eight (8) minutes; the master of any vessel violating this section shall pay a fine of twenty dollars (\$20).

Limits.

Wharf and Pier Regulations.

City Code, (1879) Art. 22, Sec. 32. City Code, (1893) Art. 22, Sec. 56.
Ord. 116, June 13, 1894, Sec. 33.

Regulation of
vessels to
facilitate use
of wharves.

30. The Harbor Master is authorized so to regulate the manner in which all vessels shall lie at any of the public wharves that the facilities for discharging and receiving cargoes may be afforded as generally as possible, and the public interests most promoted; nothing shall be landed or allowed to remain on any of said wharves without permission from the Harbor Master, and everything shall be placed on said wharves where directed by him, and any person who refuses to obey the Harbor Master in carrying out this section shall pay a penalty of twenty dollars.

Obstruction of
wharves.

Penalty.

City Code, (1879) Art. 22, Sec. 41. Ord. 63, April 1, 1880. City Code, (1893) Art. 22, Sec. 65. Ord. 116, June 13, 1894, Sec. 36.

31. No vessel shall remain at any of the public wharves for the purpose of retailing any goods, wares or merchandise, more than three whole days; and no vessel

shall lie at any of the city wharves for the purpose of retailing dry goods, wares, merchandise or produce, except the same has been brought into port by said vessel, nor shall any vehicle or booth, or structure of any kind, stand on any city wharf for the purpose of retailing fruit or other articles therefrom. The master of a vessel or any other person, violating this section, shall pay a penalty of twenty dollars, and a further penalty of five dollars for every hour the offence continues.

Limiting re-
tail-
ing
privileges.

Penalty.

City Code, (1879) Art. 22, Sec. 28. City Code, (1893) Art. 22, Sec. 52.
Ord. 116, June 13, 1894, Sec. 39.

32. No vessel shall lie at any wharf or pier, or adjoining the same, in such manner as to obstruct or prevent the free passage of other vessels to and from other wharves or piers. "The master of any vessel refusing to comply with the provisions of this section shall, after one hour from the time notice to move his vessel shall have been served, be subject to a fine of not more than twenty dollars for every hour thereafter that the said obstruction continues."*

No vessel shall
lie at any
wharf or
pier as an
obstruction
to other
vessels.

Entering Docks.

City Code, (1879) Art. 22, Sec. 38. City Code, (1893) Art. 22, Sec. 61.
Ord. 146, June 16, 1894, Sec. 40.

33. No vessel shall enter any of the public docks of the city without first obtaining permission from the Harbor Master, whose duty it shall be to provide a suitable berth for such vessel, and to keep a free passage in such docks for vessels moving in and out of the same. The master of any vessel violating this section by entering any of said docks, or who refuses to obey the Harbor Master in carrying out this section shall pay a penalty of five dollars for refusal and five dollars for each hour the obstruction continues.

Permit to
enter docks
required.

*NOTE.—See, section 468, City Charter, *ante*, relating to obstruction of docks by vessels.

Rigging.

City Code, (1879) Art. 22, Sec. 33. City Code, (1893) Art. 22, Sec. 57.
Ord. 116, June 13, 1894, Sec. 42.

- 34.** It shall be the duty of the person having in charge any vessel lying at any of the public wharves or docks to top the yards, rig in the jib-booms, and place the anchor or anchors on the deck of said vessel, whenever required so to do by the Harbor Master, or the occupier of any wharf or his agent; and any person having charge of any vessel, who shall neglect or refuse to obey directions as aforesaid, shall pay a penalty of five dollars.
- Yards, jib-booms and anchors of vessels while in harbor.
- Penalty,

Fines and Penalties.

Ord. 116, June 16, 1894, Sec. 43.

- 35.** All fines incurred by the violation of any of the provisions of this Article enforceable thereunder by the Harbor Master shall be recovered by the Harbor Master as other fines are recoverable; and any person who shall obstruct him in the performance of his lawful duties shall pay a fine of twenty dollars, to be recovered as aforesaid; and all other fines imposed by the provisions of this Article, for the recovery of which no provision has been made herein, shall be recovered as other fines imposed by ordinance are recoverable; all of said fines when collected to be paid to the Comptroller.
- Collection of.
- Obstruction of Harbor Master.

ARTICLE XIV.

HEALTH.

ORDINANCES.

Commissioner of Health.

Duties.

1. To give advice with view to preservation of public health; to adopt proper measures in regard to contagious diseases; to report to Mayor.
2. Penalty for interfering with Commissioner of Health or his subordinates.

Medical Examiner.

3. Medical Examiner and Assistant to make post-mortem and other examinations; when Medical Examiner absent his duties to be performed by his assistant.

Assistant Commissioner of Health.

4. His duties; to keep record of all reports; in absence of Commissioner of Health, Assistant to act in his stead.
5. Further duties of Quarantine Hospital Physician.

Badges.

6. Officers and employes of sub-department to wear a badge.
7. Design of badge.
8. Penalty for unauthorized use of badge.

9. Duties of vaccine physicians at police stations; to attend officers wounded in discharge of duty.

Contagious and Infectious Diseases.

10. What diseases to be treated in Municipal Hospital for Infectious Diseases.
11. Physicians to report infectious diseases to Commissioner of Health within twenty-four hours.
12. Such diseases to be also reported by hotel and house-keepers; what report shall show; penalty for failure to report.
13. Institutions also to report.
14. Masters of vessels to report.
15. Bringing in articles from infected places prohibited, except by permission of Commissioner of Health; infected articles to be cleansed; not to be sold or exchanged without permit.
16. Persons sick of such diseases not to be removed without permit; exposure to contagion prohibited.
17. Burial of bodies of persons dying with such diseases.

18. Protection of occupants of houses in which infectious diseases develop; cleansing such houses.
 19. Commissioner may fence in and guard infected localities; may furnish subsistence and clothing made necessary thereby.
 20. Emergency powers of Commissioner of Health in handling dangerous diseases.
 21. Authority of Commissioner in preventing spread of infectious diseases; penalty for interference therewith.
 22. Seizure of infected articles.
 23. Vaccination of infants; re-vaccination every five years.
 24. Vaccination of adults; re-vaccination of persons in infected districts.
 25. Public vehicles not to be used to transport persons suffering from contagious diseases, or bodies of persons who have died therefrom; disinfection of such vehicles.
 26. Hiring of vehicles to carry infected dead prohibited.
 27. Disinfecting premises where the patient has died or been removed.
 28. Appointment of extra vaccine physicians.
 29. Penalty for violations of provisions of this Article.
 30. Physicians of dispensaries to preserve supply of vaccine virus; where vaccination fails, physician to repeat vaccination.
 31. Inoculation prohibited.
 32. Commissioner to register sufferers from pulmonary tuberculosis; investigation of cases; when Commissioner shall assume sanitary surveillance of cases.
- Cows, Cow Stables and Dairies.**
- Keeping Cows, Registration and Permits.*
33. Area of ground required for each cow; permit from Commissioner of Health required; penalty for violation of restrictions.
 34. Number of cows allowed on each quarter-acre of ground; penalty for exceeding limit; permit revocable whenever stables are not in sanitary condition.
 35. Pastures must be provided for cows; penalty.
 36. Owners of stables to register same with Commissioner; penalty for failure to register.
 37. Commissioner may issue annual permits for four cows or less on not less than one-eighth acre; specifications for stables required under such permits.
 38. Requirements as to area of ground not to apply to sales or exchange stables; proviso as to requirements for sales and exchange stables.
 39. Existing regulations not repealed by this Article.
- Cow Stables and Dairies, Sanitary Regulations.*
40. Requirements for construction of such stables.

41. Stables to have suitable floors; if public sewer abuts premises, stable to connect therewith.
42. Feeding troughs to be provided; receptacle for refuse outside of building.
43. No water closet, privy, cess-pool, etc., permitted in stables; no fowl, hog, horse, sheep or goat to be kept in building.
44. Dimensions of sheds and stalls.
45. Dairy premises to be kept clean and in good repair.
46. Buildings to be thoroughly cleaned and accumulation of dung prevented.
47. Cows to be cleaned every day.
48. Receptacles for fresh drinking water to be provided; fresh, clean water only to be used.
49. Enclosures in which cows are kept to be graded and drained; no garbage or refuse to be allowed in same; no open drain to run through same.
50. Receptacles of non-absorbent material to be used for storage, etc., of milk; milk to be removed from stables without delay.

Contagious and Infectious Diseases.

51. Persons keeping cows to notify Commissioner of Health of presence of infectious diseases among them.
52. Cows to be submitted to tuberculin test.
53. Persons controlling premises on which milk, etc., are sold to notify Commissioner of presence of infectious diseases thereon; no milk or cream to be sold from such infected premises; no person handling milk to expose himself to infection.
54. Hands and persons of milkers to be clean.
55. Penalty for violation of sections 40 to 54 inclusive, of this Article.

Food, Food Products and Milk.

Adulterating Milk.

56. Penalty for adulteration of milk; penalty for sale of milk of diseased cows.

Sales and Inspections.

57. Sale of unsound food products or any food kept fresh by salicylic or boracic acid prohibited.
58. Unlawful to secrete or remove unsound food after condemnation; to be disposed of at expense of owner.
59. Requirements for pure milk; skim-milk or butter-milk may be sold as such.
60. Commissioner of Health to inspect and obtain samples of foods sold or for sale; to make rules and regulations for protection of health of city.
61. Competent chemist and three inspectors of foods to be appointed; chemist to be an analyst; duties of chemist; duties of food inspectors; salaries of inspectors.
62. "Food product" defined; proviso as to other terms; indictments under this sub-division.
63. Penalty for violating provisions of five preceding sections.

Peddling Oysters.

64. Penalty for hawking oysters from June 1, to September 15.

Manufactories Injurious and Dangerous to Health.

65. Manufactories constituting a nuisance prohibited; duty of Commissioner when complaint is made; penalty; proviso as to application of roofing to buildings.
66. Permit required for manufacture of composition roofing; application for such permission to be advertised; penalty.
67. Distilling copal varnish; boiling or grinding bones; consent of Mayor and City Council required.
68. Penalty for unsanctioned manufacture.
69. Distilling turpentine or varnish; manufacture of earthen or stoneware; proviso as to plants already established; penalty.
70. Soap and candle making; penalty.
71. Application for permit to erect soap or candle factories; to be published at expense of applicant.
72. Mill for pulverizing charcoal; penalty.
73. Manufacture of red or yellow ochre must be assented to by owners of contiguous property within two hundred yards; penalty.
74. Manufacture of certain other articles prohibited except with consent of property holders; penalty.

75. Manufacture of cotton wadding, laps and bats prohibited; penalty.

76. Moulding clay, or burning brick or tile, etc.; permission of Mayor and City Council required; notice of application for permission by publication; penalty.

77. Poudrette works, glue factories, etc., and stock yards prohibited; penalty.

Morgue.

78. What bodies shall be deposited therein.
79. How long bodies shall remain.
80. Preservation of clothing and effects of deceased.
81. Superintendent of morgue; qualifications.
82. Bond of Superintendent.
83. Commissioner of Health to make rules for government of morgue; Superintendent to enforce same.

Nuisances and Prevention of Disease.*Abatement of Nuisances.*

84. Commissioner of Health to inspect all lots, grounds, etc.; when found in state of nuisance to abate same; to notify owners of premises in state of nuisance; Commissioner to abate nuisance at expense of owner when owner fails to do so; penalty for neglect of owner.
85. Procedure where owner cannot be found.

Removal of Nuisances.

86. Procedure when nuisance exists on lot adjoining lot entered upon; penalty for such adjoining owner.

Notice.

87. Requirements for sufficient notice.
88. Notice to non-resident owners; Commissioner of Health to remove nuisance on failure of such non-resident.

Recovery of Charges for Removing Nuisances.

89. Such charges and any penalties imposed under this subdivision to become a lien on the property; execution.

Sales of Property.

90. Procedure in sale of property charged with expenses of abating nuisance.
91. Whom to be taken as owners; duty of such persons under this sub-division.

Bones.

92. Bone dealers; green bones; proviso.

Cellars.

93. When Commissioner of Health suspects a nuisance therein he may demand entry; penalty for obstructing Commissioner.
94. Commissioner of Health may cause cellars to be filled up.

Dead Animals, Etc.

95. To be removed within twelve hours; removal in enclosed wagons; penalty.

Deposits on Vacant Lots and Premises.

96. Manure and nuisance on such lots; consent of adjoining owners.
97. Deposits of cleanings, of slaughter houses, etc.; penalty.
98. Removal of such articles to other premises; penalty.
99. Not to bring filth into city; penalty.

Draining Low Ground.

100. To drain instead of filling up low ground where practicable.

Expectorating.

101. Expectoration on sidewalks, in public buildings, cars or depots, etc., prohibited.
102. Notices forbidding same to be posted by persons having charge of such premises, etc.
103. Said persons to provide receptacles; to clean and disinfect same daily.
104. Penalty for violation of provisions of this sub-division.

Tenement and Lodging Houses.

105. Cleanliness required; to white-wash walls, ceilings, etc.; registry of tenement houses with Commissioner of Health.
106. Penalties for violation of tenement and lodging house regulations hereunder.

Garbage.

107. Penalty for burning garbage at dumps.
108. Permit necessary to carry garbage through streets.

109. Grant or refusal of said permit to be within discretion of Commissioner of Health.

110. Penalty for such carriage of garbage without permit.

111. No rubbish, etc., to be dumped on private property without consent of owner.

112. Penalty for dumping without permission.

Graves.

113. Depth of graves; penalty for insufficient depth.

Hydrants.

114. Abatement of nuisance from leakage of same.

115. Such nuisance to be removed at expense of person causing same.

Ice Ponds.

116. No grounds to be so used without permit.

117. Such ponds when permitted must be drained from first of March to first of November.

118. Penalty for neglect to drain.

Oyster and Clam Shells.

119. No shells to be dumped without permit; penalty.

120. No shells to be stored in June, July or August; penalty.

Shavings and Vegetable Matter.

121. Not to be placed on wharves or low ground.

Smoke.

122. City Hall and Court House chimneys not to emit smoke.

123. Dense or black smoke from other chimneys prohibited; proviso as to greenhouses.

124. Penalty for violation of provisions of this sub-division.

125. Commissioner of Health to enforce provisions of this sub-division.

Stables.

126. Penalty for maintainance of same in a condition of nuisance.

Wells and Springs.

127. Water of wells and springs suspected of impurities to be analyzed; analysis; record of analysis; condemnation and notice to Water Engineer.

Play Grounds for Children.

Contract with Children's Playground Association.

128. Twenty-four playgrounds to be maintained for \$3,000 per annum; when said sum is payable; city may terminate this contract at any time upon 30 days' notice.

Plumbing and Inspections.

Inspector of Plumbing.

129. Inspector of Plumbing; qualifications; not to be interested in plumbing business; bond; salary.

130. Permit for drain pipes; application for same.

131. Penalty for exceeding permit.

132. Plumbing work to be supervised by Inspector of Plumbing.

133. Such work to be done in conformity with instructions of said Inspector; penalty for non-compliance therewith.

134. Penalty for doing work without permit, or in a manner detrimental to health.

135. Inspector of Plumbing to certify approval of work.

Potters' Fields.

136. To be under control of Commissioner of Health; Commissioner to regulate same; depth of graves therein; gates to be locked; penalty.

Privies and Night Soil.

Privies.

137. Privy wells in connection with more than one house prohibited.
138. Those already constructed not to be so used; proviso as to those now so used.
139. Penalty for violation of provisions of this sub-division.
140. Persons licensed to remove contents of privies to be under control of Commissioner of Health; penalty for refusal or neglect to obey his orders.
141. Cleaning permitted in day time; proviso as to annoyance to sight or smell.
142. May require bond for proper performance of work from persons so permitted to clean.
143. Offensive privies and vaults to be cleaned on notice from Commissioner of Health; who shall be responsible hereunder; penalty for neglect.
144. No privy etc., to be emptied without permit; penalty.
145. Permits for draining cess-pools, etc.; conditions under which such drainage to be installed.

146. Penalty for bringing night soil into city.

147. Penalty for placing substances other than excrement in privy wells.

148. Applications for cleaning privies, etc., to be recorded; requirements of application.

149. Removing apparatus to be air-tight; penalty for use of improper apparatus.

150. Proper drainage from buildings required; penalty for owners.

151. Penalty for introducing drainage or other pipes into city wells.

152. No vaults for privies to be placed under streets or sidewalks.

153. Penalty for placing such vaults and for use of same.

154. Penalty for depositing night soil at places other than those selected by the Commissioner of Health.

155. Commissioner of Health may order deposits at such places suspended.

156. Specifications for contract with R. R. Zell & Co.

157. Mayor to revoke said contract for default.

158. Employers of both males and females to maintain separate privies for each sex.

Quarantine Regulations.

Quarantine Hospital Physician.

159. Quarantine Hospital; duties of physician.

Employes at Quarantine Hospital.

160. Employment of; compensation.

161. Further duties of physician; his bond.

Inspection of Vessels.

162. Between April and November all vessels subject to quarantine regulations; limits within which vessels shall not proceed without permit; duties and powers of Quarantine Hospital Physician; purifying and disinfecting vessels; expense of same to be borne by master; vessels not to remove from position assigned them at quarantine without permission; penalty for failure to obey instructions of Physician; action against vessel to recover penalty.
163. Cleansing vessels after cargo discharged.

Contagious and Infectious Diseases on Vessels.

164. Duty of master of vessel arriving with passengers having or suspected of having said diseases; penalty; from whom collectible.

165. Admission of patients to Quarantine Hospital.

Cargoes Infected with Disease.

166. Cargoes damaged or liable to produce disease not to be brought into city; procedure when such articles discovered in city; vessel bringing same to be cleansed and ventilated at quarantine; penalty.

Vessels Exempted from Regulations.

167. What vessels Mayor and Commissioner of Health may

exempt from regulations; proviso as to vessels having contagious diseases aboard.

168. Such exempted vessels may be quarantined if necessary.

Small-Pox and other Infectious or Contagious Diseases.

169. Duty of Physician upon notice or when such diseases are suspected of being on board vessels; disinfection of officers, passengers and effects; to prevent communication between citizens of city and those detained; penalty for removing baggage before disinfection.

Expenses of Disinfection.

170. Who shall be liable therefor.

171. If persons quarantined are unable to maintain themselves the master of vessel in which they arrived shall provide for them; vessel not to leave quarantine until such expenses paid.

Penalties and Stipulations.

172. Penalties imposed for violations of orders, rules and regulations of Quarantine Hospital Physician; breaking quarantine; duty of Commissioner of Health on discovery of contagious disease on vessel in basin or at docks.

Quarantine Charges Against Vessels.

173. Rates of charge; Physician to make monthly returns of charges collected and number and tonnage of vessels boarded; collection of charges; penalty for failure to pay same.

Patients at Quarantine Hospital.

174. Rates of charge for maintenance of patients; master of vessel liable therefor on failure of patient to pay; ship to remain until charges paid.

Supplies for Hospital.

175. To be obtained through Commissioner of Health.
176. Responsibility of Physician for baggage while being disinfected.

Medical Attendance.

177. Vaccination of crew and passengers; fees therefor; attendance on passengers not quarantined; charges therefor; disposition of monies so collected.
178. Duty of Harbor Master hereunder.

Registration of Births and Deaths.*Registry of Births and Deaths.*

179. Commissioner of Health to provide books for registration.
180. Births and deaths to be registered in separate books; to be indexed; to be open to public.
181. On occurrence of death attending physician to furnish undertaker with certificate; duty of undertaker; proviso when death from contagious disease.
182. Coroner to furnish certificate when case comes under his notice; proviso as to contagious disease; duty of undertaker; proviso.
183. What certificate shall show.

184. No burial to be made without permit; return of permit after burial; proviso as to removal of bodies.

185. Undertaker to furnish certificate when death occurs without medical attention.

186. Penalty for failure or refusal to furnish permit; penalty for neglect of these provisions by those in charge of cemeteries, etc.

Permits for Transportation of Dead Bodies.

187. No dead bodies to be carried without permit; transportation companies to detach and return coupons on permit; penalty for carriage without permit.

Midwifery.

188. Midwives to keep registry of births; what such record shall show; to be entered on schedule furnished by Commissioner of Health; attending physician to sign schedule; if no midwife or physician attending, then parents to report, birth, etc.; penalty for failure to report birth.

Register of Physicians, Midwives, Undertakers and Others.

189. To register name, residence and place of business at office of Commissioner of Health; penalty for failure to register, etc.
190. Commissioner of Health to furnish on request transcript of record of births and deaths; fee for same; fee for search of said record.

- 191. Accounting for monies so received.
- 192. What matters records of births and deaths shall show.
- 193. Blanks to be distributed free to those requiring them; form of blanks.
- 194. Bodies of persons dying from contagious diseases to be buried after twenty-four hours; penalty.

Slaughter and Hide Houses, Hog, Pens, Etc.

- 195. Complaints against slaughter houses by adjacent property holders; duty of Commissioner of Health therein.
- 196. Notice for removal of slaughter houses becoming a nuisance; when Mayor to proceed as under common law.
- 197. No slaughter or hide houses to be erected in city; penalty.
- 198. Penalty for keeping hogs within city; proviso as to

hogs kept for sale or slaughter; in no case to be kept over ten days.

- 199. Victualler may keep limited number of hogs on his slaughter-house premises; proviso as to permit for same.
- 200. Commissioner of Health to grant said permit if he finds that keeping hogs on such premises will not create a nuisance; permit to be good for twelve months.

- 201. Penalty for keeping hogs without permit.

Fines and Penalties.

- 202. Penalty for non-compliance with notice or order of Commissioner of Health when no other penalty provided.
- 203. Recovery of and accounting for fines and penalties imposed under this Article.

COMMISSIONER OF HEALTH.

Duties.

City Code, (1879) Art. 23, Sec. 9. City Code, (1893) Art. 23, Sec. 18.

To give advice with view to preservation of public health.

1. It shall be the duty of the Commissioner of Health to give to the Mayor and other city authorities all such professional advice and information as they may require, with a view to the preservation of the public health; to enquire into the health of the city, and whenever he shall hear of the existence of any malignant, contagious or pestilential disease, to investigate such report, and ascertain as correctly as possible, the causes which produced said disease, to adopt measures to arrest its progress, and to report in writing to the Mayor every circumstance likely to endanger the health of the city.

City Code, (1879) Art. 23, Sec. 11. City Code, (1893) Art. 23, Sec. 20.

2. If any person shall knowingly obstruct or resist the Commissioner of Health, or any subordinate of his sub-department, or any person by him appointed, in the execution of the powers to them given, or in the performance of the duties enjoined on them by laws or ordinances in relation to the public health, such person shall forfeit and pay a sum not exceeding two hundred dollars (\$200).

Penalty for interfering with Commissioner of Health or his subordinates.

Medical Examiner.

Ord. 30, March 8, 1890. City Code, (1893) Art. 23, Sec. 6.

3. The Medical Examiner shall, whenever called upon by the several coroners, or the Commissioner of Health, make post-mortem examinations in any part of the city, and such further medico-legal inquiries as may furnish the evidence required in any case, and shall, in each case, make promptly a formal report in writing of such examination and inquiry to the Commissioner of Health and to the State's Attorney for the city. The Assistant Medical Examiner shall be present with the Medical Examiner at each post-mortem examination or other medico-legal inquiry, and shall efficiently assist therein. In the absence of the Medical Examiner, the Assistant Medical Examiner shall discharge all the duties of the Medical Examiner.

Medical Examiner and Assistant to make post-mortem and other examinations.

Young v. College, etc., 81 Md. 358.

Assistant Commissioner of Health.

City Code, (1879) Art. 23, Sec. 6. City Code, (1893) Art. 23, Sec. 15.

4. It shall be the duty of the Assistant Commissioner of Health, other than the one assigned to perform the duties of Quarantine Hospital Physician, to attend at the Health Office every day, except Sunday, unless otherwise engaged upon the duties of his office, to discharge the duty of seeing that a faithful record is kept of all reports and other matters relating to the Health Department; and in case of sickness or absence of the Commissioner of Health, he shall perform all the duties herein assigned to the said Commissioner of Health.

Duties of Assistant Commissioner of Health.

City Code, (1879) Art. 23, Sec. 7. City Code, (1893) Art. 23, Sec. 16.

Further duties
of Quarantine
Hospital
Physician.

5. It shall be the duty of the Assistant Commissioner of Health who shall be assigned to the performance of the duties of Quarantine Hospital Physician, in addition to such other duties as are hereinafter required of him, to attend at the office of the Commissioner of Health when so requested by the Commissioner of Health, to inform the Commissioner of Health of anything demanding the attention of the Health Department and also to advise with the Commissioner of Health on all subjects particularly appertaining to the sanitary condition of the port.

Badges.

Ord. 64, June 15, 1900.

Officers and
employes to
wear a badge.

6. All officers and employes of the sub-department of the Commissioner of Health, when on duty, shall wear, and whenever called upon, display, a badge denoting the character of the office of said officer or employe.

Ord. 64, June 15, 1900.

Design of
badge.

7. Said badge shall be of circular form with a red cross in the center with the title of the officer or employe at the head of the circle, and the words "B. C. Health Dep't" at the bottom of the circle.

Ord. 64, June 15, 1900.

Penalty for
unauthorized
use.

8. Any person who shall improperly or without authority use said badge shall, upon conviction of said offence before any Justice of the Peace for any of the station houses of Baltimore city, or in the Criminal Court of said city, be liable to a fine of not less than five dollars (\$5.00) or not more than twenty-five dollars (\$25.00).

City Code, (1879) Art. 23, Sec. 123. City Code, (1893) Art. 23, Sec. 130.

Further duties
at Police
stations and
further
salary.

9. It shall also be the duty of the vaccine physician residing in the wards in which the several police stations are located, to attend to all police officers who may be

wounded in the discharge of their duties, and to all cases which may require professional services at said station houses.

CONTAGIOUS AND INFECTIOUS DISEASES.

Ord. 9, September 29, 1905.

10. The diseases which shall be treated in the Municipal Hospital for Infectious Diseases, to be erected under the provisions of Ordinance No. 127, approved May 2, 1901 and Ordinance No. 9, approved September 29, 1905, when same is erected, shall be diptheria, scarlet fever, measles and chicken pox.**

Diseases to be treated in Municipal Hospital for Infectious Diseases.

Ord. 125, October 24, 1882. Ord. 22, May 20, 1890.

City Code, (1893,) Art. 23, Sec. 164. Ord. 83, May 29, 1895.

11. Every physician shall report to the Commissioner of Health, in writing, upon blanks to be furnished by said commissioner, every person having small pox, cholera, yellow fever, malignant diptheria, measles, whooping cough, mumps, pseudo membraneous croup, scarlet fever, varioloid, or typhoid fever and his or her place of dwelling, and name, if known; such report to be made within twenty-four hours after the first visit, if such report was not previously made by some other physician.

Physicians to report.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 166.

12. The keepers of all hotels and boarding houses, and the agents and owners of all tenement houses, or private residences or dwelling houses, having any person or persons in their hotels, boarding houses, tenement houses or private residences, or dwelling houses, suffering from or afflicted with any malignant, infectious or contagious

Such diseases to be reported by hotel and house-keepers.

**NOTE.—The following is a list of ordinances heretofore passed, relating to the establishment of a hospital for the treatment of infectious and contagious diseases.—Ord. 74, April 14, 1893; Ord. 164, May 12, 1893; Res. 4, February 10, 1893; Ord. 141, January 11, 1899; 127, May 2, 1901.

disease, as mentioned in section 11 of this Article, after they shall have become acquainted with the fact, or are apprised of the same, shall immediately notify the Commissioner of Health, stating the name of the person or persons so afflicted, their age and residence or location, and such other facts or information as they may possess. Any such keeper, owner or clerk of any hotel, or boarding house, or any such agent or owner of any tenement house, private residence or dwelling house, who shall fail or neglect to notify, in writing, the Commissioner of Health, within twenty-four hours, of such case of malignant, contagious or infectious disease, after having become aware, apprised or informed of the same, shall be subject to the penalties hereinafter specified.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 167.

Institutions
to report.

13. The Commissioners, managers, principals or other proper person or head officer of each and every public or private institution in the city, where persons lodge or abide temporarily or permanently, shall report, in writing the name, if known, and the condition and disease of any and every person being thereat, and sick of small pox, cholera or yellow fever, malignant diptheria, scarlet fever and varioloid.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 168.

Masters of
vessels to
report.

14. The master, chief officer or consignee, or any of them, of every vessel not being in quarantine or within quarantine limits, but being within one-fourth of a mile of any dock, wharf or building of the city, having on board any contagious disease, shall report to the Commissioner of Health, or cause to be reported, immediately, in writing, the particular location of said vessel and its name, and shall in said report state the name, disease and condition of any person being in or on such vessel, and sick of any contagious disease, as aforesaid.

Ord. 125, Oct. 24, 1882. City Code, (1893) Art. 23, Sec. 169.

15. No person shall bring to any dock, wharf or building, or within one thousand feet thereof, in the city, or unload at any dock, building or pier therein, or have on storage in the city, any skins, fish, rags, bones, hides or similar articles or materials which have been brought from any infected place without, or otherwise, than according to a written permit so to do from the Commission of Health; and no person shall sell, exchange or in any way make any exposure of any straw, bedding, clothing or articles that have been exposed to any contagious disease, or are liable to communicate such disease, till after the same shall have been adequately cleansed or disinfected, and a written permit so to do obtained from the Commissioner of Health.

Articles from
infected
places.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 170.

16. No person shall, within the city, without a permit from the Commissioner of Health, carry or remove from one building to another, or from one vessel to the shore, any person sick of any contagious disease; nor shall any person, by any exposure of any individual sick of any contagious disease, or of the body of such person, or by any negligent act connected therewith, or in respect of the care or custody thereof, or by a needless exposure of himself, cause or contribute to, or promote the spread of disease from any such person or from any dead body.

Removals of
persons sick
of such
diseases.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 171.

17. All bodies of persons who shall have died of any of the contagious diseases mentioned in section 11 of this Article shall be buried within twenty-four hours after death, unless extension of time shall be granted by the Commissioner of Health; and no such body shall be exposed to the peril or prejudice of the life or health of any person.

Burials.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 172.

18. Whenever a disease of a contagious and infectious character is discovered to exist in any dwelling house or

Infected houses
and method
of handling
cases of
infectious or
contagious
character.

other building within the city, the Commissioner of Health, by and with the advice and consent of the Mayor, may, and at the expense of the city, compel the inhabitants of such dwelling house to remove therefrom, and may place them in such dwellings, buildings, or temporary structures as he may deem best until measures can be taken, under the direction and at the expense of the city, for the immediate cleansing, ventilation, purification and disinfection of such dwelling.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 173.

Fencing in of
infected
localities.

19. The Commissioner of Health, with the approbation of the Mayor, may cause all houses, districts or parts of districts where contagious and infectious diseases exist, as mentioned in section 11 of this Article to be fenced in and guarded by sentinels; and the Commissioner of Health may also, in such cases, with the approbation of the Mayor, furnish such subsistence and clothing as may be necessary during the time said district or part of district may be fenced in as above; the expense of the same to be borne by the city.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 174.

Temporary
structures.

20. When a disease dangerous to the public health exists, and in order to prevent the spreading of the same, the Commissioner of Health, with the approval of the Mayor, shall have power to rent halls, dwelling houses and other suitable places, or to have erected such temporary structures for a hospital or place of reception for the sick and infected, as is judged best for their accommodation and the safety of the inhabitants, which shall be subject to such rules and regulations as the Commissioner of Health, with the approval of the Mayor, may prescribe; and the Commissioner of Health may cause any sick and infected person to be removed thereto unless the condition of such person will not admit of his or her removal without danger to his or her health, in which case the house or place where he or she remains shall be considered as a hospital; and all

persons residing in, or in any way concerned within the same, shall be subject to such regulations as may be prescribed by the Commissioner of Health, with the approval of the Mayor.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 175.

21. When such disease is found to exist, the Commissioner of Health shall use all possible care to prevent the spreading of the infection, and to give public notice of infected places by displaying a yellow flag, or by any other device, on the premises where said infectious disease exists, which, in his judgment, shall be most effectual for the common safety; and whoever obstructs the Commissioner of Health or his agents in using such means to prevent the spreading of the infection, or wilfully removes, obliterates, defaces or handles the yellow flags or other signals so displayed, shall be subject to such fines and penalties as prescribed in section 29 of this Article.

Spread of
disease to be
prevented.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 176.

22. Whenever the Commissioner of Health may have just cause to suspect that any baggage, clothing, bedding or goods of any character, found in the city, are infected with any contagious or infectious diseases, which may be dangerous to the public health, he shall proceed to the nearest magistrate, and obtain a warrant, and have said goods removed to such places as he may deem best, or otherwise detained until, in the opinion of the Commissioner of Health, they are freed from infection.

Seizure of
infected
articles.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 177.

23. Parents and guardians shall cause their children and wards to be vaccinated before they attain the age of one year, and re-vaccinated whenever the Commissioner of Health shall, after five years from the last vaccination, require it.

Vaccination of
children.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 178.

Vaccination of
adults.

24. The Commissioner of Health shall require and enforce the vaccination of all persons residing in the city and not before vaccinated and the re-vaccination of any person in the infected district, whenever, in his opinion, the same may be necessary.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 179.

Use and dis-
infection of
public
vehicles.

25. It shall not be lawful for any person or persons to convey any body suffering from small pox, scarlet fever, diphtheria, or other contagious diseases, to or from any point in the city of Baltimore, nor any known to have died from small pox, or other contagious diseases, in any hackney coach, buggy, cab or gig, which is for public hire, under penalty of having it or them taken by the Commissioner of Health, disinfected, fumigated, and quarantined for thirty days, unless it or they are used for that purpose only, and then the Commissioner of Health must be satisfied that such is the case.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 180.

Hiring of
vehicles to
carry dead
bodies.

26. It shall not be lawful for any person or persons having hackney coaches, buggies, cabs or gigs for hire, to hire or cause to permit the same to be hired or loaned, or in any manner to be used, by any person or persons for the purpose of conveying a dead body, known or supposed to have died from small pox, scarlet fever, diphtheria, or any other infectious diseases, to or from any dwelling or public building, to any cemetery or other point within or through the city, unless they conform to the restriction in the next preceding section of this Article.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 181.

Disinfecting
premises.

27. In every case where there has been small pox, diphtheria, scarlet fever or other contagious diseases, and the sick person has either died or been removed from the premises where the disease existed, and the occupant or occupants have vacated the property without causing a

thorough and complete fumigation and disinfection of said property, then it shall be the duty of the owner or owners of said property to have said premises properly fumigated and disinfected before permitting any person or persons to visit the property for the purpose of becoming tenant or tenants, owner or owners of said premises.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 182.

28. The Commissioner of Health, whenever in his judgment he may deem it expedient to properly vaccinate the citizens of Baltimore, may, with the advice and consent of the Mayor, appoint extra vaccine physicians to fully carry into effect the provisions of this section.

Extra vaccine
physicians.

Ord. 125, October 24, 1882. City Code, (1893) Art. 23, Sec. 183.

29. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists any of the provisions of sections 11 to 28, inclusive, of this Article shall be fined not less than one dollar nor more than two hundred dollars for each offence; except that the fine for the refusal to vaccinate shall not exceed ten dollars.

Penalties.

City Code, (1879) Art. 23, Sec. 127. City Code, (1893) Art. 23, Sec. 134.

30. It shall be the duty of the physicians of such dispensaries as receive donations from the Mayor and City Council of Baltimore to preserve at all times a full supply of vaccine virus; and satisfactory evidence of a compliance with the terms of this section to be filed with the Comptroller, shall be necessary to entitle said dispensaries to the appropriations made for their use. In all cases where the trial of vaccinations fails, it shall be the duty of the vaccine physicians to repeat the operation until they are satisfied that the subject will not receive the vaccine infection.

Physicians of
dispensaries.

City Code, (1879) Art. 23, Sec. 128. City Code, (1893) Art. 23, Sec. 135.

31. No person shall communicate the infection of small pox by inoculation within the city of Baltimore, under a penalty of twenty dollars for each and every such offence.

Inoculation.

Ord. 75, May 12, 1896.

To register
name, ad-
dress, age
and sex of
sufferers
from pul-
monary
tuberculosis.

Manner in
which Com-
missioner of
Health shall
investigate
cases of
pulmonary
tuberculosis.

32. The Commissioner of Health is directed to hereafter register the name, address, sex and age of every person suffering from pulmonary tuberculosis, so far as such information can be obtained, and hereafter all physicians shall be requested to forward such information on cards ordinarily employed for the report of cases of contagious diseases, this information to be solely for the use of the Commissioner of Health; and in no case shall the Commissioner of Health assume any sanitary surveillance of such patients unless said patients reside in tenement houses, boarding houses, or hotels, or unless the attending physician requests that an inspection of the premises be made; and in no case where the patient resides in a tenement house, boarding house or hotel, shall any inspection be made if the visiting physician requests that no visits be made by inspectors and is willing himself to deliver circulars of information as is designed to prevent the communication of the disease to others.

COWS, COW STABLES AND DAIRIES.

Keeping Cows.—Registration and Permits.

Ord. 56, May 13, 1902, Sec. 1.

Area of ground
required for
each cow.

Permit to be
obtained
from Com-
missioner of
Health.

33. It shall not be lawful for any person, persons or corporation to keep or possess within the corporate limits of Baltimore city any cow or cows, either for the conduct of the dairy business or for his or her personal use, unless and except such cow or cows shall be stabled on, or located and kept in and upon ground of not less than one quarter acre in area, all of said area not occupied by the stable to be accessible to said cows and set apart for them for exercise and fresh air; and upon the further express condition precedent, that a permit shall have first been obtained from the Commissioner of Health permitting such cow or cows to be located within the corporate limits of the city of Baltimore as by this sub-division of this Article prescribed; which permit must designate upon its face specifically the location for the keeping of such cow or

cows. The violation of any of the regulations and restrictions of this section shall subject the person, persons or corporation so violating to a fine of not more than twenty dollars (\$20) or less than five dollars (\$5) and a further fine of one dollar (\$1) for each day that the violation is continued after notice is given to discontinue. Penalty.

See State *v.* Broadbelt, 89 Md. 565.

Ord. 56, May 13, 1902, Sec. 2.

34. It shall be unlawful for any person, persons or corporation to keep more than eight cows on each such area of one-quarter acre of ground ; any person, persons or corporation violating this section shall be subject to a penalty of not more than twenty dollars (\$20) or less than five dollars (\$5) and one dollar (\$1) per day additional for each day that the offence is continued after notice is given to discontinue said violation, and such permits to be revocable by the Commissioner of Health whenever said cow stables are not kept in good hygienic and sanitary condition. Number of cows allowed on ¼ acre.
 Penalty.

Ord. 56, May 13, 1902, Sec. 3.

35. Whenever under the two next preceding sections of this Article cows may be kept, pasturage must be provided for them. Any person, persons or corporation violating this section shall be subject to a penalty of not more than twenty dollars (\$20) or less than five dollars (\$5) and one dollar (\$1) per day additional for each day that the offence is continued after notice is given to discontinue said violation. Pasturage to be provided.
 Penalty.

Ord. 56, May 13, 1902, Sec. 4.

36. The owners of cows that may be kept within the city limits under the provisions of the three next preceding sections of this Article, shall register with the Commissioner of Health the place where said cows are kept, and the Commissioner of Health shall keep a complete register thereof. Failure on the part of the owners or possessors Commissioner of Health to keep register of stables.

Penalty.

to register the place of their keeping shall subject such persons to a penalty of not more than twenty dollars (\$20) nor less than five dollars (\$5).

Ord. 56, May 13, 1902, Sec. 6.

Certain permits
to be given
annually for
keeping four
cows or less.

Sanitary reg-
ulations for
stables.

37. The Commissioner of Health shall, however, issue annual permits to persons desiring to keep not more than four cows on unimproved lots of less than one-fourth acre, but not less than one-eighth acre in area, providing said stable or stables have floors of cement or other non-absorbent material, and have windows on at least two sides giving three square feet of window space for each animal, and, stables to have air space in that part occupied by the animals of one and a-half cubic foot for every pound live weight of the animals kept therein ; and provided further, that said stables have all other necessary equipment and appliances for securing absolutely perfect sanitary and hygienic condition.

Ord. 56, May 13, 1902, Sec. 7.

Regulating
sales and
exchange
stables.

38. That part of section 33 of this Article regulating the size of the lot on which cows may be kept within the corporate limits of the city of Baltimore, shall not apply to stables in which cows are temporarily kept for sale or exchange only, provided said stables have floors of cement or other non-absorbent material, and have windows on at least two sides giving three square feet of window space for each animal, and stables to have air space in that part occupied by the animals of one and a-half cubic feet for every pound live weight of the animals kept therein ; and provided further, that said stables have all other necessary equipment and appliances for securing absolutely perfect sanitary and hygienic conditions.

Ord. 56, May 13, 1902, Sec. 8.

Existing
regulations
are not
repealed.

39. Nothing in sections 33 to 38 inclusive, of this Article shall be construed as repealing any ordinances or provisions of any section of this Article, or regulations of

the Commissioner of Health now existing, for compelling perfect hygienic and sanitary conditions of all cow stables within the corporate limits of the city of Baltimore.

Cow Stables and Dairies—Sanitary Regulations.

Ord. 65, April 21, 1896, Sec. 1.

40. No building shall be used for stabling cows for dairy purposes, which is not lighted, ventilated, drained and constructed according to the provisions of section 37 of this Article.

Requirements for construction of stables.

Ord. 65, April 21, 1896, Sec. 2.

41. No building shall be used for stabling cows for dairy purposes which is not provided with a suitable floor, of cement or other non-absorbent materials laid with grades and channels to carry off all drainage; if a public sewer abuts the premises upon which such building is situated, they shall be connected therewith.

To have suitable floors and to connect with public sewer.

Ord. 66, April 21, 1896, Sec. 3.

42. No building shall be used for stabling cows for dairy purposes which is not provided with good and sufficient feeding troughs or boxes, and with a covered, water-tight receptacle outside of the building for the reception of dung or other refuse.

Regulating feeding troughs or boxes.

Ord. 65, April 21, 1896, Sec. 4.

43. No water closet, privy, cess-pool, urinal, inhabited room or workshop shall be located within any building or shed used for stabling cows for dairy purposes, or for the storage of milk or cream; nor shall any fowl, hog or horse, sheep or goat be kept in any room used for such purposes.

No water closet, privy, cess-pool, etc., allowed.

No fowl, hog, horse, sheep or goat to be kept in building.

• Ord. 65, April 21, 1896, Sec. 5.

44. The space in buildings or sheds for stabling cows for dairy purposes shall conform to the requirements of section 37 of this Article; provided that no stall shall be less than four feet in width.

Dimensions of sheds and stalls.

Ord. 65, April 21, 1896, Sec. 6.

To keep premises clean and in good repair.

45. It shall be the duty of each person using any premises for keeping cows for dairy purposes to keep such premises thoroughly clean and in good repair, and well painted or whitewashed at all times.

Ord. 65, April 21, 1896, Sec. 7.

Buildings to be thoroughly cleaned.

46. It shall be the duty of each person using any premises for keeping cows for dairy purposes to cause the building in which cows are kept to be thoroughly cleaned, and to remove all dung from the premises so as to prevent its accumulation in great quantities.

Ord. 65, April 21, 1896, Sec. 8.

Cows to be cleaned every day.

47. Every person keeping cows for the production of milk for sale shall cause every such cow to be cleaned every day and to be properly fed and watered.

Ord. 65, April 21, 1896, Sec. 9.

Receptacles for fresh drinking water to be provided.

48. Every person using any premises for keeping cows shall cause the yard used in connection therewith to be provided with a proper receptacle for drinking water for such cows; none but fresh clean water to be used in such receptacles.

Ord. 65, April 21, 1896, Sec. 10.

Premises to be graded and drained.

49. Any enclosure in which cows are kept shall be graded and drained so as to keep the surface reasonably dry and to prevent the accumulation of water therein, except as may be permitted for the purpose of supplying drinking water. No garbage, urine, fecal matter, or other similar substances, shall be placed or allowed to remain in such enclosure, and no open drain shall be allowed to run through it.

No garbage to be allowed in enclosure and no open drain to run through it.

Ord. 65, April 21, 1896, Sec. 11.

50. Any person using any premises for keeping cows for dairy purposes shall provide and use a sufficient number

of receptacles, made of non-absorbent materials, for the reception, storage and delivery of milk, and shall cause them at all times to be cleaned and purified, and shall cause all milk to be removed without delay from the room in which cows are kept.

Receptacles made of non-absorbent materials to be used for the reception, storage and delivery of milk.

Contagious and Infectious Diseases.

Ord. 65, April 21, 1896, Sec. 12.

51. It shall be the duty of any person having charge or control of any premises upon which cows are kept to notify the Commissioner of Health in writing of the existence of any contagious or infectious disease among such cows immediately upon the discovery thereof, and to thoroughly isolate any cow or cows affected, or which may reasonably be believed to be infected, and to exercise such other precautions as may be directed by the Commissioner of Health.

Commissioner of Health to be notified of the existence of any contagious or infectious disease.

Ord. 65, April 21, 1896, Sec. 13.

52. It shall be the duty of any person owning or having control of cows used for the production of milk for sale or exchange to submit said cows to the tuberculin test for tuberculosis.

To submit cows to the tuberculin test.

Ord. 65, April 21, 1896, Sec. 14.

53. It shall be the duty of any person having charge or control of any premises upon which milk or cream is produced, handled, stored or distributed to notify the Commissioner of Health immediately upon the discovery of any case of Asiatic cholera, croup, diphtheria, measles, scarlet fever, small-pox, typhoid fever, typhus fever, or any other contagious or infectious disease upon such premises. No milk or cream shall be sold, exchanged, given away, or in any other manner distributed from such infected premises until all danger of spread of disease has been removed, and the Commissioner of Health certifies to that effect. No person who attends cows or milks them, or who has the

Relating to the existence of contagious or infectious diseases upon premises where milk and cream is sold.

care or handling of vessels for the sale, storage or distribution of milk or cream, shall enter any place or premises wherein exists any of the diseases mentioned herein, nor shall any such person have any communication, direct or indirect, with any person who resides in or is an occupant of such infected place.

Ord. 65, April 21, 1896, Sec. 15.

Hands and
persons of
milkers to
be clean.

54. Strict cleanliness of the hands and persons of milkers and those engaged in the handling of milk and cream, and of the bodies of the cows, especially of the udders and teats, must be enforced at all times, to the end that no impurity or foreign substance may be added to the milk or cream.

Ord. 65, April 21, 1896, Sec. 16.

Penalty.

55. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists any of the provisions of sections 40 to 54, inclusive, of this Article shall be fined not less than ten dollars (\$10) nor more than twenty-five dollars (\$25) for each offence.

FOOD, FOOD PRODUCTS AND MILK.

Adulterating Milk.

City Code, (1879) Art. 23, Sec. 48. City Code, (1893) Art. 23, Sec. 70.

Adulteration
of milk.

56. It shall not be lawful for any person or persons to adulterate milk offered for sale or sold within the limits of the city of Baltimore, by mixing therewith water, or any drug or other articles whatsoever, under a penalty of not less than twenty dollars for each and every offence; and any person or persons who shall sell or offer for sale any milk of a diseased cow, within the limits of the city, shall pay a fine of twenty dollars for each and every offence.

Deems v. Mayor & C. C. of Balto., 80 Md. 164. *State v. Broadbelt*, 89 Md. 565.

Sales and Inspections.

Ord. 62, March 19, 1904, Sec. 1. Ord. 87, May 16, 1894, Sec. 1.

57. It shall not be lawful for any person or persons to sell, offer for sale, expose for sale, barter, deliver or bring to another, or have on his, her or their premises, store, stall, stand or vehicle, or in or upon the premises of any other person or persons whatsoever, from or in which milk or any other food products, or any tainted, unsound, rotten or partly decomposed fish, fruit or vegetables or meat, or any food product that is kept fresh by salicylic or boracic acid or any other preservative.

Relating to
impure food.

Ord. 62, March 19, 1904, Sec. 2.

58. It shall not be lawful for any person or persons to secrete or remove, or assist in secreting or removing, any impure or unsound food products as above specified, after the same shall have been condemned as unsound by or by the authority of the Commissioner of Health, or in any way to impede or hinder the action of the subordinates of his sub-department in confiscating and destroying the aforesaid impure food products so condemned as such; but nothing herein contained shall be taken as imposing, upon the said Commissioner of Health or any subordinate of his sub-department, the duty or expense of removing the aforesaid impure food products so condemned as such.

Unlawful to
secrete
or remove
unsound food
after con-
demnation.

Ord. 87, May 16, 1894, Sec. 2.

59. Only pure, unadulterated, unsophisticated and wholesome milk shall be sold or offered for sale in Baltimore city, and such article shall be understood to be the natural product of healthy cows, and which has not been deprived of any part of its cream, and to which no additional liquid or solid or preservative has been added, and which, at a temperature of sixty degrees Fahrenheit, shall have a specific gravity of not less than 1.029, not less than twelve (12) per cent. of total solids, and not less than three (3) per cent. of butter fats. All milk sold, received, kept,

Standard of
milk.

Sale of skim-milk, butter-milk not prevented.

offered for sale, or delivered in the city of Baltimore, shall not in any particular be under the standard herein prescribed without being considered impure, adulterated, sophisticated, or unwholesome. Nothing in this sub-division of this Article shall be construed to prevent the sale of skim-milk or buttermilk, provided they be sold as such, and that the purchaser be in every instance notified of their true character.

Ord. 87, May 16, 1894.

C. of H. to inspect and obtain samples of foods.

60. It shall be the duty of the Commissioner of Health to carry out the provisions of this sub-division of this Article, and to make or cause to be made inspections of milk, meats, vegetables, fruits and fish, wherever such articles are sold, kept or offered for sale in the city of Baltimore, and to obtain samples of milk and all other food products whose qualities are to be determined by chemical or microscopical examination. It shall also be the duty of the Commissioner of Health to make such rules and regulations as may be required under this sub-division of this Article for the better protection of the health of the city.

To make rules and regulations.

Ord. 87, May 16, 1894.

Competent chemist and inspectors of food to be appointed.

61. In order to provide for the additional duties imposed by the two next preceding sections of this Article upon the Commissioner of Health, there shall be appointed, pursuant to authority conferred by the City Charter, a competent analytical chemist and three inspectors of food, who shall be under the direction of the Commissioner of Health, and who must be *bona fide* residents and registered voters of Baltimore city; the chemist shall be a practical analyst and skilled in the chemical and microscopic examination of milk and other food products; he shall not be a member of or interested in any trust, corporation or company dealing in food products; he shall make such chemical and microscopical examinations as will be required under the provisions of this sub-division of this

Article and shall report the result of all such examinations to the Commissioner of Health ; he shall be present at the hearing and trials of all cases wherein he shall have made an examination. The specific duties of each food inspector shall be determined by the Commissioner of Health. The salary of each food inspector shall be one thousand dollars Salary. per annum.

Ord. 87, May 16, 1894.

62. The term food product as used in the five next Defining terms used in preceding sections. preceding sections of this Article, shall be construed to mean any natural or artificial product, that with or without admixture, preparation or cooking, is intended to be taken into the human stomach by way of food and not as a medicine ; provided that alcoholic or fermented drinks Proviso. shall not be classed as food products ; also, that the term adulteration shall be construed to mean any artificial addition to normal constituents ; and the term sophistication shall be construed to mean the substitution of one product for another, or any abstraction of or artificial change in the normal constituents, provided that goods canned according to the rules of the Canned Goods Exchange of Baltimore shall not be considered sophisticated ; and the term unwholesome shall be construed to mean deleterious to health, or liable to introduce, cause or increase sickness, or impairment or derangement of the functions of the human body by the temporary or continuous use of the unwholesome product ; and the term impure shall be construed to mean natural change or decomposition of normal constituents, or absorption of or commingling with deleterious gases, liquids or solids ; provided, that in a warrant, indictment, or legal paper or proceeding, the term impure as applied to a food product shall be a good Indictments under this sub-division. and sufficient description of the term adulterated, sophisticated, unwholesome, unsound, tainted, rotten, partly decomposed or impure, as used in this Article or of two or more of these terms.

Ord. 87, May 16, 1894, Sec. 6, Ord. 130, July 9, 1894.
Ord. 62, March 19, 1904.

Penalty for
violating pro-
visions of five
preceding
sections.

63. Any person or persons who violate, disobey, neglect or refuse to comply with any of the provisions of the six next preceding sections of this Article shall be subject to a penalty of not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offence.

Peddling Oysters.

City Code, (1879) Art. 23, Sec. 42. City Code, (1893) Art. 23, Sec. 59.

Hawking
oysters from
June to
September.

64. It shall not be lawful for any person or persons to hawk or peddle oysters through any of the streets, lanes or alleys, of the city of Baltimore, from the first day of June to the fifteenth day of September, in each and every year, and for any violation of the provisions of this section, the person or persons so offending shall forfeit and pay a penalty of twenty dollars.

MANUFACTORIES INJURIOUS AND DANGEROUS TO HEALTH.

City Code, (1879) Art. 23, Sec. 54. City Code, (1893) Art. 23, Sec. 75.

Chemical or
mechanical
preparation
for roofing.

65. It shall not be lawful for any person or persons to manufacture, grind or prepare any chemical or mechanical preparation for roofing or other purposes within the limits of the city of Baltimore, whereby a nuisance is created, or likely to be created, injurious to the health of any person or persons residing in such neighborhood where such articles shall be manufactured, ground or prepared; and it shall be the duty of the Commissioner of Health, whenever complaint shall be made to him of the existence of any such nuisance, to examine into the same, and if a nuisance really exists, injurious to the health of the neighborhood, or whenever he shall be aware of the same, to give notice to the person or persons offending against the provisions of this section, to abate said nuisance within twelve hours after said notice shall be received; and any person or persons who shall violate the provisions of this section,

shall pay a fine of twenty dollars and a further fine of ten dollars for each day they shall continue to violate the same, after he or they shall receive the aforesaid notice; provided, that nothing herein contained shall be deemed, taken or construed so as to prevent the heating of any chemicals used in roofing, at the time and place said chemicals are to be used as aforesaid.

City Code, (1879) Art. 23, Sec. 55. City Code, (1893) Art. 23, Sec. 76.

66. It shall not be lawful for any person or persons to erect, establish, rebuild, or continue in use, any composition roofing manufactory of any kind whatever within the limits of the city, without first obtaining the sanction of the Mayor and City Council of Baltimore; and ten days' notice immediately preceding the application to the Mayor and City Council of Baltimore, shall be given by at least four insertions in two or more of the daily papers of the city, setting forth the purpose of said application, the street, lane, alley or court and square of ground on which the establishment is to be put up; and every person or persons violating this section shall be subject to the penalty of twenty dollars, and ten dollars for each and every day the same shall remain thereafter.

Composition
roofing.

City Code, (1879) Art. 23, Sec. 56. City Code, (1893) Art. 23, Sec. 77.

67. It shall not be lawful for any person or persons to erect, establish or rebuild any distillery for the manufacture of copal varnish, nor any factory for the boiling or grinding of bones within the city limits, without having first obtained the consent of the Mayor and City Council of Baltimore.

Copal, varnish
or bone.

City Code, (1879) Art. 23, Sec. 57. City Code, (1893) Art. 23, Sec. 78.

68. For a violation of any of the provisions of the next preceding section, the party or parties so offending shall forfeit and pay a fine of twenty dollars for each and every offence; and twenty dollars a day for every day it may remain in operation after the first offence.

Penalty.

City Code, (1879) Art. 23, Sec. 58. City Code, (1893) Art. 23, Sec. 79.

Turpentine
distillery,
earthenware
or stoneware.

69. No person or persons shall erect, establish or rebuild any distillery of spirits of turpentine or varnish, or any manufactory of earthenware or of stoneware or carry on in any building, erection or place, which shall not have been already legally used for such distillation or business, and for no other purpose at any intervening time, the distilling of any spirits of turpentine or varnish, or the business of manufacturing earthenware, or stoneware, within the limits of the city, under the penalty of two hundred dollars, and the further sum of five dollars for each and every day of the continuance of such distillery or manufactory, or of the so carrying on of such distillery or business.

Glenn v. Mayor, 5 G. & J. 424.

City Code, (1879) Art. 23, Sec. 59. City Code, (1893) Art. 23, Sec. 80.

Soap and
candles.

70. It shall not be lawful to erect or use any house or building as a soap or candle manufactory within the limits of the city, without the consent of the Mayor and City Council of Baltimore, under the penalty of two hundred dollars, and the further sum of fifty dollars for each and every month thereafter, until the same be removed out of said limits or pulled down.

City Code, (1879) Art. 23, Sec. 60. City Code, (1893) Art. 23, Sec. 81.

Notice of appli-
cation for
permit.

71. All applications for permission to erect soap or candle manufactories, within the corporate limits, shall be published three times a week, in two or more daily papers in the city, two weeks previous to making such application; all expenses of such publication to be paid by the party or parties making such application.

City Code, (1879) Art. 23, Sec. 61. City Code, (1893) Art. 23, Sec. 82.

Pulverizing
charcoal
mill.

72. No person or persons shall erect, establish or rebuild within the city limits, any mill that is used for the purpose of pulverizing charcoal, without first obtaining

the permission of the Mayor and City Council of Baltimore, under a penalty of twenty dollars for each and every week it shall so remain.

City Code, (1879) Art. 23, Sec. 62. City Code, (1893) Art. 23, Sec. 83.

73. It shall not be lawful for any person or persons, or any corporation, to erect or establish any manufactory of red or yellow ochre, or any other kinds of earth of which red or yellow paint is made, within the limits of the city, unless by unanimous consent in writing of the persons holding property within two hundred yards thereof, under the penalty of one hundred dollars, and a further sum of twenty dollars for each and every day, thereafter, until the said manufactory be removed.

Red or yellow
ochre.

City Code, (1879) Art. 23, Sec. 63. City Code, (1893) Art. 23, Sec. 84.

74. It shall not be lawful for any person or persons or corporation to manufacture or prepare, except in chemical laboratories already established, the following articles, or any of them, to wit: oil of vitriol or sulphuric acid, nitric acid or aqua fortis, muriatic acid, crude ammonia, ivory black, alum, chloride of lime or bleaching salts, pigments of lead, or any other manufacture or preparation, in the process of which it is necessary to burn horns, blood, bones or other animal substances within the limits of the city, unless the consent in writing of all the holders of property within six hundred feet of such manufactory be first had and obtained under a penalty of twenty dollars for every day during which such manufacture or preparation shall continue.

Certain pro-
hibited man-
ufactures.

City Code, (1879) Art. 23, Sec. 64. City Code, (1893) Art. 23, Sec. 85.

75. It shall not be lawful for any person or persons to erect or establish, within the city limits, any manufactory for the manufacturing of cotton wadding, cotton laps or bats, and any person or persons violating this section shall be subject to a penalty of ten dollars, and a further sum of five dollars for each and every day such violation shall continue.

Cotton wad-
ding, laps
and bats.

City Code, (1879) Art. 23, Sec. 65. City Code, (1893) Art. 23, Sec. 86.

Moulding clay,
burning brick
or tile.

76. It shall not be lawful for any person or persons to prepare or mould any clay or any other substance, for or to make or burn any brick or tile, or any similar manufacture within the limits of the city without first obtaining the permission of the Mayor and City Council of Baltimore, and giving ten days' notice of his or their intended application for such permission, by at least four insertions in two or more of the daily newspapers of the city, specifying the lot of ground or premises on which said clay or other substance is to be prepared or moulded, or such brick is to be made or burned; and every offender against the provisions of this section shall forfeit and pay the sum of one hundred dollars for the first offence and the further sum of twenty dollars for each and every day thereafter, during the continuance of such preparing or moulding, making or burning.

Ord. 183, May 25, 1893. City Code, (1893) Art. 23, Sec. 86 A.

Prohibited
works and
factories.

Stockyards.

Penalty.

77. No person or persons shall hereafter erect or establish within the city limits, any poudrette works, glue factories or establishment for the purpose of rendering grease or dead animals, or animal offal, or stockyards for receiving, feeding and offering for sale livestock, under a penalty of five hundred dollars, and the further sum of one hundred dollars for each and every day said person or persons neglect or refuse to comply with the requirements of this section.

MORGUE.

Ord. 156, July 9, 1890. City Code, (1893) Art. 23, Sec. 199.

What bodies
shall be de-
posited
therein.

78. The morgue shall be used for the reception and preservation for identification of the bodies of unknown persons dying within the limits of the city of Baltimore, and such other bodies as may be directed to be placed therein by the coroners of Baltimore city, except bodies which may be so far decomposed as to be beyond the probability of recognition, and the bodies of those who may have died of contagious diseases.

Ord. 156, July 9, 1890. City Code, (1893) Art. 23, Sec. 200.

79. All bodies not identified and claimed shall remain How long to remain. in the morgue or dead-house for at least one day, or for such a length of time as the Commissioner of Health may deem proper and necessary.

Ord. 156, July 9, 1890. City Code, (1893) Art. 23, Sec. 201.

80. A room shall be provided in the morgue for the Preservation of clothing and effects of deceased. preservation of the clothing and effects for purposes of identification of all deceased persons buried therefrom, which clothing and effects shall be carefully numbered and retained for twelve months, after which time it shall be disposed of by the coroners, according to the requirements of section 297, Article IV, of the Code of Public Local Laws.

Ord. 2, February 5, 1891. City Code, (1893) Art. 23, Sec. 202.

81. The Commissioner of Health shall appoint a Superintendent of the morgue. superintendent of the morgue who shall be a practical undertaker.

Ord. 2, February 5, 1891. City Code, (1893) Art. 23, Sec. 203.

82. The superintendent of the morgue, so appointed, His bond. shall before entering upon the duties of his office as hereinafter prescribed, give a good and sufficient bond, with sureties to be approved by the Mayor, in the penal sum of one thousand dollars (\$1,000) to the Mayor and City Council of Baltimore, for the faithful performance of said duties.

Ord. 2, February 5, 1891. City Code, (1893) Art. 23, Secs. 205, 206.

83. The Commissioner of Health shall have general Rules and regulations of the morgue. charge of the morgue and is directed and empowered to make all rules and regulations necessary for the proper government and conduct of the morgue, and for the care and delivery of the bodies and effects of deceased persons received therein, and it shall be the duty of the superintendent of the morgue to observe and enforce such rules Superintendent to enforce same. and regulations.

NUISANCES AND PREVENTION OF DISEASE.

Abatement of Nuisances.

City Code, (1879) Art. 23, Secs. 14, 15. City Code, (1893) Art. 23, Secs. 23, 24. Ord. 57, March 17, 1904.

Commissioner
of Health to
inspect all
lots, grounds,
etc.

84. It shall be the duty of the Commissioner of Health to carefully inspect all lots, grounds, suspected cellars, premises, possessions, streets, lanes and alleys within the city of Baltimore; and whenever he shall be of opinion that any of said lots, grounds, suspected cellars, premises, possessions, streets, lanes and alleys within the city are in a state of nuisance, or in such a condition that in warm or unhealthy seasons a nuisance may be thereby created and the health of the citizens endangered, it shall be his duty, and he is directed, to notify the owner or owners, occupier or occupiers, of the property fronting on such streets, lanes and alleys, or his, her or their agents, to have said nuisance, or cause of said nuisance removed and abated within the time and in the manner prescribed in said notice; and if the said owner or owners, occupier or occupiers, his, her or their agents, shall neglect or refuse to comply with the terms of said notice, the Commissioner of Health, upon the expiration of the time set out in the notice, is hereby directed and empowered to remove the said nuisance, or cause of said nuisance, at the expense of said owner or owners, occupier or occupiers; and the cost of removing said nuisance, or cause of said nuisance, may be recovered by the Commissioner of Health in the name of the Mayor and City Council of Baltimore from the said owner or owners, occupier or occupiers, by suit if necessary; and, in addition thereto, the said owner or owners, occupier or occupiers, who shall neglect and refuse to comply with the terms and conditions of said notice, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than ten dollars, (\$10) nor more than one hundred dollars (\$100).

To have nuis-
ances abated.

Misdemeanor
and penalty.

Mayor, etc., *v.* Hughes, 1 G. & J. 480. King *v.* Hamill, 97 Md. 103.

City Code, (1879) Art. 23, Sec. 16. City Code, (1893) Art. 23, Sec. 25.

85. In case no agent, occupier or owner can be found on whom to serve the notice prescribed in the next preceding section, the Commissioner of Health is hereby authorized after giving five days' public notice in one or more of the daily newspapers published in the city, to have any nuisance or cause of nuisance removed at the expense of the city in the first instance, and the City Register shall keep an account of the expenses incurred, to be recovered from the owner when ascertained and found.

Where owner cannot be found.

*Removal of Nuisances.**

City Code, (1879) Art. 23, Sec. 20. City Code, (1893) Art. 23, Sec. 36.

86. Whenever the Commissioner of Health, in proceeding to remove nuisances, shall discover that the nuisance complained of originates on an adjoining lot or lots, it shall be his duty to enter thereon, and the owner or owners, occupier or occupiers of such lots or his, her or their agents, on neglect or refusal to remove such cause of nuisance after notice from said commissioner, shall forfeit and pay for every such neglect or refusal the sum of twenty dollars.

Entry on adjoining lots.

City Code, (1879) Art. 23, Sec. 21. City Code, (1893) Art. 23, Sec. 37.

87. If there be no owner, occupier, or agent of owner, of any lot or premises upon whom such notice can be served, notice shall be deemed in all respects sufficient, if exposed in some open way upon the lot or premises to which it refers.

Notice,—what shall be sufficient notice.

City Code, (1879) Art. 23, Sec. 22. City Code, (1893) Art. 23, Sec. 38.

88. It shall be the duty of the Commissioner of Health to carry into effect the provisions of sections 84 to 87, inclusive, of this Article, and in all cases embraced within

*NOTE: As to what constitutes a nuisance, *see*,—King *v.* Hamill, 97 Md. 103.

See also, digest of cases under section 6, City Charter, sub-title, General Powers, sub-division "HEALTH", *ante*, pp. 53-57, inclusive.

Notice to non-
resident
owners.

the operation of said sections, when there is no occupier of the property, and the owner or agent thereof does not reside in the city of Baltimore, to give notice in one or more of the newspapers published in the city of Baltimore, for such time as they may consider reasonable, requiring such owner or agent to remove the nuisance to be mentioned in said notice, by some day therein fixed, and upon failure to comply with such notice, the said nuisance shall be removed under the direction of the said Commissioner of Health.

City Code, (1879) Art. 23, Sec. 23. City Code, (1893) Art. 23, Sec. 39.

Charges for re-
moving nuis-
ances, cost of
removing
nuisances to
be lien on
property.

89. After the Commissioner of Health has completed the removal of nuisances in the way contemplated by the provisions of this sub-division of this Article and the amount of penalty incurred, or the amount of expenses, including the cost of advertising, to which the corporation has been put by said removal shall be unpaid, the said expenses and penalty shall forthwith become a lien upon the entire lot or premises from which the nuisance may have been removed; and when judgment in due course of time shall have been obtained for said amount, or any one of them, against the owner or owners of the premises, the property shall be sold under due legal process.

Collection
thereof.

City Code, (1879) Art. 23, Sec. 24. City Code, (1893) Art. 23, Sec. 40.

Expenses of
removing
nuisances;
when prop-
erty may be
sold to pay
same.

90. If any property chargeable as aforesaid shall be owned by any person or persons not resident within the limits of the State of Maryland, it shall be the duty of the Commissioner of Health to expose for sale and sell the same at public auction to the highest bidder for cash; provided, that before the Commissioner of Health shall proceed to sell as aforesaid, he shall give notice of such sale in three of the daily newspapers of the city, together with a particular description of the property proposed to be sold, by advertisement published twice a week for three successive weeks, and they shall deduct from the proceeds of said sale all costs, charges and expenses attendant

thereon, as well as the amount of penalties or expenses for removal of nuisances in arrear, and place the balance in the city treasury to the credit of the owner of the ground, or such other party as may be legally entitled to receive it.

City Code, (1879) Art. 23, Sec. 25. City Code, (1893) Art. 23, Sec. 41.

91. Whenever any person or persons shall be in actual possession of, or have charge, care or control of, any property within the city, as executor, executrix or executors, administrator, administratrix or administrators, trustee or trustees, guardian or guardians, agent or agents, such person or persons shall be deemed and taken to be the owner or owners of such property, within the true intent and meaning of the several ordinances of the city, and shall be bound to remove all nuisances from such property, and to comply with all the provisions of this Article and any ordinance of the city in relation to the health of the city, so far as the same may effect such property, in the same manner, and under the same penalties, fines and forfeitures, as if such person or persons were actually the owner or owners of such property, and notice to any such person or persons of any order of the Commissioner of Health, shall be deemed and taken to be as good and sufficient notice as if such person or persons were actually the owner or owners of such property.

Who to be declared owners.

Bones.

City Code, (1879) Art. 23, Sec. 39. City Code, (1893) Art. 23, Sec. 56.

92. None of the provisions of this sub-division of this Article shall be construed to prohibit dealers in bones from purchasing the same, and depositing the same on such premises as the said dealers may occupy and use for that purpose; provided, however, that green bones, or such as have flesh or fatty matter on them, shall not be kept by any dealer in them having his place of deposit within the city limits, longer than twelve hours; provided also, that this privilege shall not extend to bones of any kind giving forth an offensive odor.

Bone dealers.

Provisoers

Cellars.

City Code, (1879) Art. 23, Sec. 17. City Code, (1893) Art. 23, Sec. 33.

Commissioner
may enter
premises for
examinations.

93. Whenever the Commissioner of Health shall have cause to suspect that a nuisance exists in any house, cellar or enclosure, he may demand entry therein in the day time, and if the owner or occupier shall refuse or delay to open the same and admit a free examination, he shall forfeit and pay for every such refusal the sum of twenty dollars.

City Code, (1879) Art. 23, Sec. 28. City Code, (1893) Art. 23, Sec. 44.

Cellars on
made ground.

94. All cellars and vacancies under stores, warehouses and dwellings, shall, when deemed necessary by the Commissioner of Health, be filled up with sound materials and paved with hard bricks or stones; and when deemed expedient by him, the lots thereto appertaining shall be filled up above the level of the street, so as to prevent the lodgment of water on the premises.

Dead Animals, etc.

Ord. 183, May 25, 1893. City Code, (1893) Art. 23, Sec. 86B.

Removal of
dead animals.

95. All dead animals shall be removed within twelve hours after notice from the Commissioner of Health, and all dead horses, mules, cattle, sheep or hogs shall be removed only in covered or enclosed vans or wagons, so that said animals shall not be visible; and any person offending against this section shall forfeit and pay a sum not exceeding twenty dollars.

Penalty.

Deposits on Vacant Lots and Premises.

City Code, (1879) Art. 23, Sec. 35. City Code, (1893) Art. 23, Sec. 52.

Manure and
nuisance on
lots.

96. It shall not be lawful for any person or persons to deposit on any lot within the city limits, any manure or nuisance of any kind, without the consent of the owners or occupiers of the lots adjoining said lot be first procured and filed in the office of the Commissioner of Health, under

a penalty of five dollars for each and every offence, and five dollars for each and every day said nuisance may remain.

City Code, (1879) Art. 23, Sec. 36. City Code, (1893) Art. 23, Sec. 53.

97. No person or persons shall be allowed to deposit upon his or her premises, or any other premises or lot, within the city limits, the cleanings of any slaughter house, fish dealer's house or yards, or any other branch of trade making filth, for any purpose whatsoever; nor shall any person or persons be allowed to receive or deposit upon his or her premises, within the city limits, any dead animal or part or parts thereof, or green bones, fish or crabs, or any other offensive articles, under a penalty of not less than five dollars, nor more than twenty dollars for each and every offence.

Cleanings of
slaughter
houses, etc.

City Code, (1879) Art. 23, Sec. 37. City Code, (1893) Art. 23, Sec. 54.

98. No person or persons shall be permitted to remove any such things, enumerated in the next preceding section, from his, her or their premises, to any other premises within the city limits, under a penalty of five dollars for each offence.

Removal of
such articles.

Penalty.

City Code, (1879) Art. 23, Sec. 38. City Code, (1893) Art. 23, Sec. 55.

99. Any person or persons living outside of the city, who shall bring any of the filth mentioned in section 97 of this Article, and deposit the same on any premises within the city limits, shall be subject to a fine of five dollars.

Not to bring
filth into city.

Penalty.

Draining Low Grounds.

City Code, (1879) Art. 23, Sec. 19. City Code, (1893) Art. 23, Sec. 35.

100. The Commissioner of Health is hereby empowered and required to substitute draining in low grounds, instead of filling them up, in all instances where, in his opinion the draining will as effectually answer the intended purpose.

Draining low
grounds.

Expectorating.

Ord. 16, March 3, 1898. Ord. 201, February 21, 1905.

Expectoration
on sidewalks,
in public
buildings,
cars or depots
prohibited.

101. It shall not be lawful for any person to expectorate or spit in or upon any paved sidewalk or footpath of any public street, avenue or public square in the city of Baltimore, or in or upon any part of any public building under the control of the Mayor and City Council of Baltimore City, or upon the floor, platform or steps of any street, railway car or other public vehicle carrying passengers for hire, or upon the floor of any depot or station or upon the station platform or stairs of any elevated railroad or other common carrier, or upon the floor or steps of any theatre, store, factory or any building which is used in common by the public, or upon the floor of any hall or office, in any hotel or lodging house which is used in common by the guests thereof.

Ord. 201, February 21, 1905.

Notices forbid-
ding same to
be posted.

102. The corporations or persons owning or having the management or control of any such street railway, cars or public vehicles carrying passengers for hire, theatres, stores, factories or buildings which are used by the public in common, depots, stations, station platforms or stairs of any elevated railroad or other common carrier, hotel or lodging house shall keep permanently and conspicuously posted in each of said places, a sufficient number of notices forbidding spitting upon the floors, and calling attention to the provisions of the next preceding section.

Ord. 201, February 21, 1905.

Provide
receptacles.

103. The corporations or persons owning or having the management or control of such theatres, stores, factories or buildings which are used by the public in common, depots, stations, station platforms or stairs of any elevated railroad or other common carrier, hotels and lodging houses, shall provide sufficient and proper receptacles for expectoration, and also provide for the cleaning and disinfection of said receptacles at least once every twenty-four hours.

Clean and dis-
infect same.

Ord. 201, February 21, 1905.

104. Any person violating any of the provisions of the three next preceding sections of this Article shall on conviction thereof, be fined in any sum not less than one dollar (\$1) and not more than five dollars (\$5) for the first offence, and in any sum, not less than five dollars (\$5) and not more than ten dollars (\$10) for each and every subsequent violation of the provisions of said three sections. Penalty.

Tenement and Lodging Houses.

Ord. 79, June 4, 1886. City Code, (1893) Art. 23, Sec. 31.

105. Every tenement or lodging-house, and every part thereof, shall be kept clean and free from any accumulation of filth, garbage, or other matter, in or on the same or in the yard, court, area, passage or alley connected with or belonging to the same; the owner or lessee of any lodging or tenement-house shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings and privies, to the satisfaction of the Commissioner of Health, as often as shall be required by the Commissioner of Health, and shall also whitewash the walls and ceilings thereof at least once in each year; all tenement and lodging-houses shall be duly registered with the Commissioner of Health by the owners or keepers of the same. Cleanliness required.
Whitewash walls and ceilings.
Registry of tenement-houses.

Ord. 79, June 4, 1886. City Code, (1893) Art. 23, Sec. 32.

106. Any person or persons, owner or owners agent or lessee, of any tenement or lodging-house violating any of the provisions of the next preceding section, shall be subject to a fine or penalty of twenty dollars, and a further fine of five dollars for every day thereafter that he, or she, or they, neglect to comply therewith. Penalties.

Ord. 54, April 10, 1896.

107. It shall be unlawful to burn any garbage or refuse matter of any kind on or in the vicinity of any of the ash Burning garbage at dumps.

Penalty.

or garbage dumps in the city of Baltimore, under a penalty of five dollars (\$5) for each and every violation of this section.

Ord. 58, March 17, 1904.

Restricting removal of garbage, offal, etc.

108. No person except the employes of the city of Baltimore, engaged in public work, or persons under contract with the city of Baltimore engaged in public work, shall convey any garbage, house offal or other refuse, animal or vegetable matter through any street, lane, road, alley or public highway of the city of Baltimore, without having first obtained a permit so to do from the Commissioner of Health; after obtaining said permit, it shall be lawful for the licensee named in such permit to convey such garbage, house offal, or other refuse, animal or vegetable matter, in accordance with the terms and conditions of said permit, but in no other manner.

Ord. 58, March 17, 1904.

Permit for removal to be granted.

109. The Commissioner of Health may, in his discretion, grant the permit referred to in the next preceding section of this Article, whenever in his judgment the public health will not suffer thereby; and the Commissioner of Health is authorized at any time when in his judgment, the public health will suffer by the continuance of any permit so granted by him, to revoke the same.

Ord. 58, March 17, 1904.

Violations.

110. Any person or persons violating the provisions of the two next preceding sections of this Article, shall be liable to a fine of two dollars (\$2) for each offence.

Ord. 38, April 5, 1881. City Code, (1893) Art. 23, Sec. 62.

Dumping rubbish on private property.

111. It shall be unlawful for any person or persons to dump any earth, dirt, sand, ashes, garbage, gravel, rocks, refuse or other matter, upon any private property in the city of Baltimore, without permission therefor from the owner or owners thereof, or their agent.

Ord. 38, April 5, 1881. City Code, (1893) Art. 23, Sec. 63.

112. Any person or persons who shall violate the pro-^{Penalty.}
visions of the next preceding section, or authorize any
violation thereof by his or their employes or agents, shall
be subject to a fine of five dollars for each and every such
offence.

Graves.

Ord. 72, May 17, 1895.

113. All graves which may hereafter be dug in any
cemetery or burial ground within the city of Baltimore ^{Depth of}
shall be of the depth of at least four feet six inches ; and ^{graves.}
any person or persons employed for such purpose who shall
refuse or neglect to dig any such grave of the said depth
shall forfeit and pay for each and every offence the sum of ^{Penalty.}
twenty dollars (\$20).

Hydrants.

City Code. (1879) Art. 23, Sec. 26. City Code, (1893) Art. 23, Sec. 42.

114. Whenever the Commissioner of Health shall dis- ^{Leakage from}
cover that any nuisance complained of proceeds from ^{hydrants.}
the leakage of any hydrant or hydrants, pipe or pipes,
situated in an adjoining building or buildings, or on an
adjoining lot or lots, cellar or cellars, he shall have the
power and he is authorized to require the owner or owners,
occupier or occupiers of such building or buildings, lot or
lots, cellar or cellars, to remove the cause of such nuisance.

City Code, (1879) Art. 23, Sec. 27. City Code, (1893) Art. 23, Sec. 43.

115. If any person or persons named in the next pre-^{Commissioner}
ceding section shall fail to comply with the directions of ^{may cause}
the Commissioner of Health, the said commissioner shall ^{nuisance to}
have power, and is authorized and directed to cause any ^{be removed.}
nuisance or cause of nuisance to be removed, the cost thereof
to be paid by said person.

Ice Ponds.

Ord. 1, November 13, 1878. City Code, (1893) Art. 23, Sec. 64.

Ice ponds.

116. It shall not be lawful for any person or persons, or body corporate, to use any grounds within the limits of the city of Baltimore for the purpose of an ice pond, without having first obtained written permission from the Commissioner of Health, to construct the same.

Ord. 1, November 13, 1878. City Code, (1893) Art. 23, Sec. 65.

To be drained.

117. It shall not be lawful to permit any person or persons, or body corporate, to use any grounds within the limits of the city of Baltimore for an ice pond, except from the first day of November to the first day of March, at the expiration of which time the owner or owners of said pond or ponds will be required to thoroughly drain the water from the same.

Ord. 1, November 13, 1878. City Code. (1893) Art. 23, Sec. 66.

Penalty.

118. Any person or persons, or body corporate, refusing or neglecting to thoroughly drain the water from the pond or ponds used by them, on the first day of March, without previous notice, shall be subject to a fine of fifty dollars; and the Commissioner of Health is instructed to have properly enforced the provisions of this section.

Oyster and Clam Shells.

City Code, (1879) Art. 23, Sec. 40. City Code, (1893) Art. 23, Sec. 57.

Dumping oyster shells.

119. It shall not be lawful for any person or persons or body corporate to dump or place any oyster or clam shells within the corporate limits of the city of Baltimore without first obtaining permission so to do from the Commissioner of Health; provided, nothing in this section shall be so construed as to prevent any oyster packing establishment or oyster dealers from depositing oyster shells at the place where such establishments or dealers may be actually engaged in business. Any person or persons or body

corporate found violating this section shall, upon conviction thereof, pay a fine of ten dollars for each and every day he or they may so violate the provisions hereof.

Ord. 117, October 31, 1881. City Code, (1893) Art. 23, Sec. 61.

120. It shall not be lawful for oyster packing establishments or oyster dealers to store on their premises oyster shells during the months of June, July and August. Any person or persons or body corporate, found violating this section shall, upon conviction thereof, pay a fine of ten dollars (\$10) for each and every day he or they may so violate the provisions hereof.

None to be stored in June, July or August.

Shavings and Vegetable Matter.

City Code, (1879) Art. 23, Sec. 45. City Code, (1893) Art. 23, Sec. 67.

121. Neither the wharves nor low grounds in any part of the city shall be filled with any kind of wood shavings or vegetable matter, and every person offending herein shall forfeit and pay for each and every offence a sum not exceeding fifty dollars.

Wood shavings on wharves or low ground.

Smoke.

Ord. 217, March 6, 1905.

122. No furnace in heating or in the working of engines in the City Hall or City Hall Annex or Court House shall hereafter be permitted to emit dense or black smoke from its chimney or smoke-stack.

City Hall chimney not to emit smoke.

Ord. 217, March 6, 1905.

123. No furnace employed in heating, or in the working of engines in any hotel, office building, apartment house, theatre, place of public assembly, store or dwelling, within the city of Baltimore, shall hereafter be permitted to emit dense or black smoke from its chimney or smoke-stack; provided, however, that nothing in this section shall be construed as applying to furnaces used for heating greenhouses.

Dense or black smoke from other chimneys prohibited.

Exceptions.

Ord. 217, March 6, 1905.

Penalty.

124. The owner, lessee, agent or occupant of any building in which the provisions of the next preceding section shall have been violated, shall be subject to a fine of twenty-five dollars (\$25) and shall forfeit and pay for each and every day during which such violation continues, the additional sum of ten dollars.

Ord. 217, March 6, 1905.

Commissioner
of Health to
enforce.

125. It shall be the duty of the Commissioner of Health to see that the provisions of the three next preceding sections of this Article are enforced.

Stables.

City Code, (1879) Art. 23, Sec. 33. City Code, (1893) Art. 23, Sec. 50.

Horse and cow
stables.

126. If any person having a cow or cows, horse or horses in any stable within the city, shall keep the same in such manner that the filth and stench therefrom shall become offensive to, or annoy any neighbor or other person, the person keeping such cow or horse as aforesaid, shall forfeit and pay for every such offence five dollars, and the further sum of five dollars for each and every day the nuisance shall be suffered to remain, notice having first been given to the party offending.

Metropolitan Sav. Bank *v.* Manion, 87 Md. 68. King *v.* Hamill, 97 Md. 103.

Wells and Springs.

Ord. 97, October 28, 1879. City Code, (1893) Art. 23, Secs. 8, 9.

Water of wells
and springs
to be ana-
lyzed.

127. Whenever the attention of the Commissioner of Health shall be called to any well or wells, spring or springs, public or private, on any of the streets, lanes and alleys or squares of the city of Baltimore, or in any private yards and buildings in said city, the water of which is used for drinking purposes, and which is suspected to be unfit for the same, he shall procure samples of water from said well or wells, spring or springs, and have the same analyzed in,

Analysis.

or under the direction of his sub-department; if upon such analysis the water of such well or wells, spring or springs, be unfit for drinking purposes, the Commissioner of Health shall make and preserve a record of such analysis in his office, and shall immediately after the receipt of such analysis, condemn the water of said well or wells, spring or springs, as "unfit for drinking and detrimental to health," and shall notify the Water Engineer of his action in the same.

Record of
analysis.

Condemnation
of wells, etc.

PLAYGROUNDS FOR CHILDREN.

Contract with Children's Playground Association.

Ord. 162, June 20, 1906, Sec. 1.

128. Under and by virtue of the authority conferred upon it by Chapter 201 of the Acts of the General Assembly of Maryland for the year 1906, the Mayor of Baltimore is hereby authorized and directed to enter into a contract, on behalf of the Mayor and City Council of Baltimore, with the Children's Playground Association (Eighth Division, United Women of Maryland,) in the following form, to wit: This agreement, made this first day of January, in the year nineteen hundred and seven, by and between the Children's Playground Association (Eighth Division, United Women of Maryland,) party of the first part, and the Mayor and City Council of Baltimore, party of the second part, witnesseth:

First: That the party of the first part doth hereby covenant and agree with the party of the second part, that it will well and faithfully maintain in each year during the continuance of this contract at and for the sum of three thousand dollars (\$3,000) per annum not less than twenty-four (24) children's playgrounds in the public parks, squares and schoolhouse yards of Baltimore city, the locations of said playgrounds to be selected by the party of the first part, subject to the approval of the Mayor of Baltimore.

Twenty-four
playgrounds
to be main-
tained for
\$3,000 per
annum.

When moneys
are payable.

Second: The party of the second part doth hereby covenant and agree with the party of the first part, in consideration of the maintenance as aforesaid in each year of the above mentioned twenty-four children's playgrounds, to pay to the said party of the first part on the first day of July in each year during the continuance of this contract, the sum of three thousand dollars (\$3,000).

City may terminate contracts at any time upon thirty days' notice.

Third: It is hereby agreed between the parties hereto that this contract may be terminated at any time by said party of the second part by ordinance, or by the Mayor of the city of Baltimore by his giving thirty days' notice in writing to said party of the first part, without any responsibility upon the part of said party of the second part in any respect or to any extent therefor.

In Witness Whereof, the party of the first part has caused these presents to be signed by its proper officer, and its corporate seal to be hereunto affixed, duly attested by its proper officer, and the party of the second part has caused these presents to be signed by the Mayor of Baltimore City, and the corporate seal of the city to be hereunto affixed, duly attested by the City Register.

PLUMBING AND INSPECTIONS.

Inspector of Plumbing.

Ord. 110, October 22, 1883, City Code, (1893) Art. 23, Sec. 186.

Appointment and qualifications of.

129. The Sanitary Inspector designated by the Commissioner of Health to perform the duties of Inspector of Plumbing shall be a practical plumber, selected from among those persons who are well informed as to practical plumbing, and skillful and well trained in matters pertaining to the sanitary regulations concerning plumbing work, and shall not be interested, directly or indirectly in the business of plumbing or the furnishing of plumbing material during the holding of said office, under penalty of instant dismissal; said inspector before entering upon his duties shall give a good and sufficient bond to the Mayor and City Council of Baltimore, in the penal sum of \$2,000, for the faithful performance of his duties.

Bond.

Ord. 110, October 22, 1883. City Code, (1893) Art. 23, Sec. 187.

130. No pipe now used, or hereafter to be used, to drain any matter, solid or liquid, from any building used for the habitation or occupancy of man, into any well or sink used for the reception of any substance except pure water, or into any public sewer, or into any stream, or into the harbor, shall be put up, constructed, altered or repaired, without a permit being first obtained therefor from the Commissioner of Health, which permit shall be issued without cost to any property owner, builder, architect, or other person interested in, or in any way connected with such work, upon an application in writing, stating the location of the premises where such work is to be done, and the time when it will be commenced. The provisions of this section not to conflict with those of section 24 of Article 33, of this Code, title "Sewers," sub-division "Private Sewers."

Permits for
drain pipes.

Ord. 110, October 22, 1883. City Code, (1893) Art. 23, Sec. 188.

131. Any person who, after receiving such permit as is provided for in the next preceding section shall, without notifying the Commissioner of Health, in writing, commence any portion of the work thereby authorized, at an earlier day than that named in the application for such permit, shall be subject to the fine hereinafter imposed by section 134 of this Article.

Breach of
permit.

Ord. 110, October 22, 1883. City Code, (1893) Art. 23, Sec. 189.

132. All such plumbing work as is referred to in this sub-division of this Article shall be done subject to the supervision of said Inspector of Plumbing, under the direction of the Commissioner of Health.

Work to be
done under
supervision
of Inspector.

Ord. 110, October 22, 1883. City Code, (1893) Art. 23, Sec. 190.

133. No such plumbing work as is referred to in this sub-division of this Article shall be performed in any other way than in strict conformity to such orders and directions as may be prescribed by said Inspector of Plumbing, with

Work to be
done as or-
dered by
Inspector.

the approval of the Commissioner of Health, for the proper protection and preservation of the health of the city; and any refusal to comply with such orders shall subject the person who may disregard them to the fine hereinafter imposed by section 134 of this Article.

Ord. 110, October 22, 1883. City Code, (1893) Art. 23, Sec. 191.

Penalties.

134. Any person or persons who, individually, or through others, shall construct, erect, alter or repair such drain-pipe, without first obtaining such permit, shall be subject to a fine of five dollars; and if it shall be found that any drain-pipe intended to be affected by this sub-division of this Article shall have been constructed, erected, altered or repaired, contrary to the rules and regulations of the Commissioner of Health, and in such a manner as to be detrimental to health, then the person or persons so offending shall be subject to a fine of twenty dollars, and shall be subject to a further fine of two dollars for every day that such pipe shall continue in such condition, after receiving notice thereof from the Commissioner of Health.

Ord. 110, October 22, 1883. City Code, (1893) Art. 23, Sec. 192.

Certificate of
approval of
work.

135. Whenever any such work as is herein referred to shall have been done in conformity with the provisions of this Article, it shall be the duty of said Inspector of Plumbing to give the owner or owners of the premises a certificate to the effect that said work has been inspected and approved, which said certificate shall be signed by said Inspector of Plumbing and by the Commissioner of Health.

POTTER'S FIELDS.

City Code, (1879) Art. 23, Sec. 73. City Code, (1893) Art. 23, Sec. 94.

Potter's Fields.

136. The Potter's Fields of the city of Baltimore are hereby placed under the control and direction of the Commissioner of Health, who is hereby authorized, with the advice and consent of the Mayor, to establish a code of regulations relative to all interments in said Potter's Fields,

which in his judgment may be proper and necessary ; Under Com-
missioner of
Health.
provided, that all graves which may be dug in any of the
Potter's Fields shall be of the depth of at least four feet
six inches ; and any grave digger, or other person or Depth of
graves.
persons employed for such purpose, who shall neglect or
refuse to dig any such grave of the said depth, shall forfeit
and pay, for each and every offence, the sum of ten
dollars ; and if the grave-digger or any other person or
persons employed by the Commissioner of Health, shall at
any time omit or neglect to lock or close the gates, he or
they shall, for each offence, forfeit and pay the sum of
two dollars, to be deducted out of any money due him or
them for digging graves or otherwise ; and in case no
money shall be due him or them, the said fines shall be
recovered and collected as other fines are, in the name of
the Mayor and City Council of Baltimore.**

PRIVIES AND NIGHT SOIL.

Privies.

Ord. 77, February 26, 1906.

137. It shall not be lawful to hereafter dig or construct Privy wells.
within the City of Baltimore any privy well to be used in
connection with more than one house.

Ord. 77, February 26, 1906.

138. No privy well now constructed or that may be Not to be used
in connection
with more
than one
house.
hereafter constructed within the city of Baltimore shall be
used in connection with more than one house. This
section, however, not to apply to privy wells that at the
time of the passage of this ordinance are being actually
used in connection with more than one house.

Ord. 77, February 26, 1906.

139. Any one violating any of the provisions of the Penalty.
two next preceding sections of this Article shall be deemed

**NOTE.—In reference to litigation arising out of sale of old Potter's
Field, *see*, *Williamson v. Mayor*, 19 Md. 413.

guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than ten dollars nor more than fifty dollars.

City Code, (1879) Art. 23, Sec. 75. City Code, (1893) Art. 23, Sec. 95.

Emptying and
removal of
contents of,
to be under
control of
Commission-
er of Health

140. Every person who may obtain a license to empty or remove the contents of privies or vaults, shall be considered as subject to the orders of the Commissioner of Health in all matters relating to the opening and cleaning of privies and vaults, time and manner of removal, and the presentation of statistics connected with the cleaning of privies, as also the place or places to which night soil may be removed ; and for any refusal or neglect to obey the orders of the Commissioner of Health, as herein provided, it shall be the duty of the Collector of Water Rents and Licenses, upon the written request of the Commissioner of Health, to revoke the license of the person or persons, so refusing or neglecting to obey.**

Boehm v. Baltimore City. 61 Md. 259.

City Code, (1879) Art. 23, Sec. 77. City Code, (1893) Art. 23, Sec. 97.

Cleaning by
day.

141. The Commissioner of Health is authorized and empowered in his discretion, to permit any person or persons who shall at his or their own cost, be supplied with suitable conveniences, to clean sinks and privy vaults in the city of Baltimore during the day time ; provided, that no annoyance to sight or smell shall arise therefrom.

City Code, (1879) Art. 23, Sec. 78. City Code, (1893) Art. 23, Sec. 98.

Bond required.

142. The Commissioner of Health shall, before giving a permit to any person or persons for the cleaning of vaults or privies as provided for in the next preceding section, demand and receive from such person or persons a good and sufficient bond for the proper performance of the work to be done without annoyance to sight or smell to the citizens of Baltimore.

**NOTE.—Part of this section as embodied in section 95, Article 23 of Code 1893, is codified as section 44 of Article 41 of this Code.

City Code, (1893) Art. 23, Sec. 100. Ord. 110, March 12, 1901.

Ord. 83, March 5, 1906.

143. When, in the opinion of the Commissioner of Health, any privy, cess-pool or vault becomes offensive, the owner thereof (whether he shall be the occupant of the premises containing such privy, cess-pool or vault, or not) or the tenant or occupant of such premises, or the agent having charge or management of such premises shall cause such privy, cess-pool or vault to be cleansed within such reasonable time after notice given to that effect by the Commissioner of Health, as may be expressed in such notice; and in case of neglect or refusal so to do, the said owner (whether he shall occupy such premises or not), or the said tenant or occupant, or the said agent or person having charge or management of such premises, or any one or more of them to whom such notice shall have been given, and who shall have neglected to obey the same, or to cause said premises to be cleansed, shall be liable to a penalty of not more than twenty dollars (\$20) for every such neglect or refusal, and shall also be liable for the expense incurred in case said work shall be done under the orders of the Commissioner of Health.

Cleansing of
privies.

Penalty for
neglect.

Ord. 94, June 17, 1886. City Code, (1893) Art. 23, Sec. 101.

144. No privy, cess-pool or vault shall be emptied without a permit from the Commissioner of Health, nor in any other mode or at any other time than said Commissioner may direct. Any person or persons violating the provisions of this section, or neglecting or refusing to comply with the regulations of the Commissioner of Health in relation to the opening or cleaning of privies, cess-pools or vaults, shall be liable to a penalty of ten dollars for every such offence.

Permits to
empty.

Penalty.

Ord. 34, March 28, 1890. City Code, (1893) Art. 23, Sec. 101-A.

145. The Commissioner of Health is empowered to grant such permits, as he may consider advisable for the purpose of draining such wells or cess-pools as cannot be

Permits for
draining
cess-pools,
etc.

kept from overflowing or filling up with water. All work to be done under the supervision of the Commissioner of Health except so much as relates to the tapping of sewers, which work shall be done by the City Engineer, and also upon the payment of the usual fees for the privileges of opening the streets; and all repairs to the streets and sewers to be done by the owners of the property, subject to the approval of the City Engineer.

Ord. 67, June 10, 1902.

Night soil.

146. It shall be unlawful for any person or persons, or corporation, to bring into or carry, or transport through the streets of the City of Baltimore, night soil removed from any privy, well or sink located beyond and outside of the corporate limits of said city; and every person or persons or corporation violating the provisions of this section shall be subject to a fine of twenty-five dollars (\$25) for each offence.

Penalty.

Ord. 69, June 10, 1902.

Throwing refuse, etc., in privy wells.

147. It shall be unlawful for any person or persons whomsoever to throw or place, or cause or permit to be thrown or placed, in any privy well or water closet in the city of Baltimore, any matter whatsoever, such as garbage, ashes, glass, leather, wood or other substances, other than excrement, or other matter for the reception of which privy wells and water closets are usually used, and any person or persons violating the provisions of this section shall be liable to a penalty of five dollars, (\$5) for each and every offence.

Ord. 94, June 17, 1886. City Code, (1893) Art. 23, Sec. 102.

Applications to be recorded.

148. Records shall be kept in the office of the Commissioner of Health in which shall be entered all applications for opening or cleaning of privies, cess-pools or vaults, and all such applications shall specify the number of loads, if less than the whole contents of the privy, cess-pool or vault to be removed.

Ord. 94, June 17, 1886. City Code, (1893) Art. 23, Sec. 103.

149. No part of the contents of any privy, cess-pool or vault shall be removed therefrom, nor shall the same be transported through any of the streets, lanes or alleys, or other places within the city, except the same be transported or removed by means of some airtight apparatus, so as to prevent the said contents from being agitated or exposed in the open air during said process of removal or transportation; and any person or persons violating the provisions of this section shall be liable to a penalty of not less than ten dollars for every such offence.

Apparatus to be tight.

Ord. 94, June 17, 1886. City Code, (1893) Art. 23, Sec. 105.

150. It shall be the duty of every builder, owner or other person having charge of any building or buildings in the city, to provide for proper drainage from said building or buildings. Every owner, builder or other person having charge of any building or buildings, who shall refuse or neglect to comply with this section shall be liable to a penalty of ten dollars for every such offence.

Drainage from buildings.

City Code, (1879) Art. 23, Sec. 83. City Code, (1893) Art. 23, Sec. 109.

151. If any person or persons shall introduce a pipe or sewer into any of the wells belonging to the city, for the purpose of draining water closets, or for any other purpose whatever, each and every person, for each and every such offence, shall forfeit and pay a sum not exceeding twenty dollars.

Pipes not to be put into city wells.

City Code, (1879) Art. 23, Sec. 85; Art. 53, Sec. 64. City Code, (1893) Art. 23, Sec. 112; Art. 54, Sec. 64.

152. It shall not be lawful for any person or persons to sink or cause to be sunk any vault or well to be used for a receptacle of a privy, under the bed of any street, lane or alley in the city of Baltimore, or the sidewalks thereof.

No vaults for privies under streets.

City Code, (1879) Art. 23, Sec. 86. City Code, (1893) Art. 23, Sec. 113.

Penalty.

153. If any person or persons shall sink, or cause to be sunk under the pavement of any street, lane or alley, or the sidewalks thereof, any vault or well, and use the same as a receptacle for a privy, such person or persons so offending shall forfeit and pay the sum of one hundred dollars; and if the same be not filled and properly secured after twenty days' notice from the Commissioner of Health, such person or persons shall forfeit and pay for every week thereafter until the said vault shall be filled up and secured to the satisfaction of the Commissioner of Health, the sum of twenty dollars, and it shall be the duty of the Commissioner of Health to enforce the provisions of this section.

City Code, (1879) Art. 23, Sec. 88. City Code, (1893) Art. 23, Sec. 115.

Deposit of
night soil.

154. No night manure shall be deposited at any places except such as shall be selected by the Commissioner of Health, and any person or persons offending against the provisions of this section shall forfeit and pay a sum not exceeding twenty dollars.

Mitchell v. Lemon, 34 Md. 176.

City Code, (1879) Art. 23, Sec. 89. City Code, (1893) Art. 23, Sec. 121.

Suspension of
deposits.

155. If such deposits shall prove prejudicial to the health of the adjacent neighborhood, complaint shall be made by the aggrieved parties to the Commissioner of Health, who, with the approbation of the Mayor, shall order said deposits to be forthwith suspended.

Ord. 121, May 24, 1880. City Code, (1893) Art. 23, Sec. 116.

Ord. 68, June 9, 1902.

Contracts with
R. R. Zell &
Co.

156. The Mayor, Comptroller and Commissioner of Health, are hereby authorized and directed, in the name of the Mayor and City Council of Baltimore, to contract for a term of two years, with the privilege of renewal, with Messrs. R. R. Zell & Co., for the removal of all the night

soil gathered in the City of Baltimore; said night soil to be transferred to air-tight barges for removal from the city, the same to be done in an odorless and inoffensive manner, at two designated points within the city; compensation for said removal of night soil to be collected from the persons dumping the same, at the rate of twenty-five cents per load of not less than one hundred and sixty, and not more than two hundred gallons; and the said Messrs. R. R. Zell & Co. shall be compelled to keep at each of the above designated points, air-tight barges, under a penalty of fifty dollars per day for each day of fourteen hours the said R. R. Zell & Co. fail to comply, and shall execute a bond, with approved security, in the penalty of ten thousand dollars, to the Mayor and City Council of Baltimore, for the faithful performance of said contract.**

Ord. 121, May 24, 1880. City Code, (1893) Art. 23, Sec. 120.

157. In case of the failure of said contractors to comply with the specifications of said contract, to the satisfaction of the Commissioner of Health, it shall be the duty of the Mayor to revoke the same.†

Revocation of contract.

Ord. 25, March 27, 1884. City Code, (1893) Art. 23, Sec. 123.

158. Employers or others conducting any business or occupation in the city of Baltimore in which the services of men, women or children may be required, shall keep and

Separate privies for males and females.

**NOTE: This contract was the subject of litigation *in re* Bear Creek Co. *v.* Baltimore City, 87 Md. 84. Night soil under the contract is now transferred at Winan's Cove, only.

†NOTE.—Sections 117, 118 and 119 of Article 23, City Code, 1893, have been omitted from this compilation because conditions at present render their provisions practically obsolete. Section 117, which may still operate to some extent as the law in regard to delivering night soil to the contractors removing night soil gathered in the city, reads as follows: "Sec. 117. It shall be the duty of all persons engaged in the business of gathering night soil in the city of Baltimore, to convey the same to one or other of the dumping places provided by the contractors under the provisions of this ordinance, under a penalty of twenty dollars per load, for every load of night soil gathered and not so delivered, said penalty to be collected as other fines and penalties are collected."

maintain in good order, and in a cleanly and safe condition, separate privies or water closets for males and females, whenever or wherever employes may be of different sexes, and upon failure so to do after due notice of the provisions of this section, such employer or other persons so offending, shall be subject to a fine of ten dollars (\$10) per day for every day during which the said employer or other persons shall be delinquent.

QUARANTINE REGULATIONS.

Quarantine Hospital Physician.

City Code, (1879) Art. 23, Sec. 131. Res. 202, May 17, 1881.

City Code, (1893) Art. 23, Sec. 138. Ord. 25, March 9, 1896.

Quarantine
hospital.

159. The hospital on the southern shore of the Patapsco river shall be known as the Quarantine Hospital of the port of Baltimore. It shall be the duty of the Quarantine Hospital Physician under the direction of the Commissioner of Health to collect all money which may become due from patients of every class and from all immigrants and others who may be received into said hospital, and to pay over said money to the City Register on the first Monday of each and every month, and make a monthly report on the same day to the Commissioner of Health of the affairs of the hospital, the number of inmates, by whose order received and at whose expense. It shall be the further duty of the Quarantine Hospital Physician when making his monthly returns to the City Register, to make a report of the number of patients resident and under treatment at said hospital at the several times of making said monthly returns.

Duties of
Physician.

Employes at Quarantine Hospital.

City Code, (1879) Art. 23, Sec. 146. City Code, (1893) Art. 23, Sec. 153.

Ord. 24, December 29, 1899, Sec. 153.

Employes at
quarantine
hospital
and their
compensa-
tion.

160. The Quarantine Hospital Physician, with the consent and approval of the Commissioner of Health, shall be authorized and empowered to employ such persons as may

be required for boatmen, farmhands or nurses in connection with said quarantine hospital; provided the total amount in wages paid such persons shall not exceed the amount annually appropriated for such purpose.

City Code, (1879) Art. 23, Sec. 132. City Code, (1893) Art. 23, Sec. 139.

161. He shall promptly attend to all messages or communications sent to or left at the hospital which may in any way concern his duties under this Article, at all seasons of the year, and at any hour of the day, between sunrise and sunset; he, as hereinafter provided for, shall also carry into execution the quarantine laws and regulations provided for by this Article; said Quarantine Hospital Physician shall, before he enters upon the duties of his office, execute a bond to the corporation, with such sureties as the Mayor and Comptroller may approve, in the penal sum of five thousand dollars, and with the conditions that he will faithfully discharge the several duties and trusts reposed in him, and pay over to the City Register all money collected by him, for the city.

Further duties.
Bond.

Inspection of Vessels.

City Code, (1879) Art. 23, Sec. 133. City Code, (1893) Art. 23, Sec. 140.

162. No vessel arriving from sea, between the thirtieth day of April and the first day of November, and at such other times as the Commissioner of Health may direct, shall approach nearer to the city than the quarantine grounds, which shall be upon the southern or main branch of the Patapsco river; and it shall not be lawful for any vessel that is subject to quarantine regulations to approach nearer to the city than a line drawn from the point of Fort McHenry to the hospital ground; nor shall any such vessel come within the Lazaretto light upon the north side of Fort McHenry, until she has received a written permit from the Quarantine Hospital Physician, to that effect; and said Quarantine Hospital Physician shall board all vessels arriving from sea (except vessels returning in distress, with outward cargo on board), after their arrival at quarantine grounds, as soon as practicable, and

Vessels subject to quarantine regulations.
Powers and duties of Quarantine Hospital Physician.

such ship or other vessel shall come to anchor whenever required by the Quarantine Hospital Physician, from the thirtieth day of April to the first day of November in each and every year; and it shall be the duty of the Quarantine Hospital Physician carefully to examine into the health of all the officers, crew and passengers of such vessels, the condition of the cargo, the state of the passengers, crew and vessels as to cleanliness, whether any disease is present or not on such vessels, and generally into all such circumstances and facts as may in any way affect or concern the health, or the preservation of the health of the city of Baltimore; and if he shall believe it to be unsafe to permit any vessel so examined to unload her cargo or to discharge her passengers, or come to the wharf, as the case may be, he shall order said vessel to come to anchor at the quarantine grounds to perform the necessary purification, which shall be done in such manner as may be directed by the Quarantine Hospital Physician to his entire satisfaction; and all expenses of purification and removal, and all other expenses incurred by the Quarantine Hospital Physician to prevent the introduction or propagation of contagious and infectious diseases, to be paid by the master, owner or consignee of the ship or vessel for which the expense was incurred. And it shall not be lawful for any person commanding or having charge of such vessel to remove her from the place assigned or designated by the Quarantine Hospital Physician, without his written permission, or to suffer such vessel to be so removed by others. And any ship, vessel or person violating any of the provisions of this section, or neglecting to comply with any orders issued or given by the Quarantine Hospital Physician in conformity thereto, shall be liable to a penalty of five hundred dollars, and a further penalty of fifty dollars for every hour the ship or vessel may remain in any position in violation hereof; and an action for the recovery of all fines, forfeitures or expenses incurred in carrying into effect any of the provisions of this section may be laid against the ship or vessel, the master, the owner or consignee of the ship or vessel so violating, each or all of them, at the election of the city.

Purification
and disin-
fecting of
vessels.

Penalty.

City Code, (1879) Art. 23, Sec. 134. City Code, (1893) Art. 23, Sec. 141.

163. All vessels after their cargoes are discharged, shall, Cleansing vessels. if deemed necessary by the Quarantine Hospital Physician, be forthwith removed to the stream, and to a proper distance from the wharf, and thoroughly cleansed and ventilated, under the direction of the Quarantine Hospital Physician, and any person offending against the provisions of this section, or who shall refuse or neglect to comply with the order of the officer or officers charged with its execution, shall forfeit and pay the sum of one hundred dollars, and twenty dollars for every hour thereafter during which said disobedience shall continue.

Contagious and Infectious Diseases on Vessels.

City Code, (1879) Art. 23, Sec. 135. City Code, (1893) Art. 23, Sec. 142.

164. The commander, captain, pilot, or person having charge of any vessel coming to the port of Baltimore, from sea or elsewhere, and on board of which there shall be any person or persons affected with small pox, varioloid disease or other eruptive complaint, or infectious or contagious diseases, or whose condition would authorize a suspicion that the malady may be small pox or any modification thereof, or any other infectious or contagious diseases, or on board of which small pox, varioloid, or any eruptive disease of a kind which would authorize a suspicion that it had been any form or modification of small pox, or any other infectious or contagious diseases, shall have appeared at any time during the voyage from the port or place at which the vessel had cleared, shall bring the said vessel to at the quarantine grounds, and there await the arrival of the Quarantine Hospital Physician, and not depart thence until a written permission from the Quarantine Hospital Physician shall be obtained for that purpose; and it shall not be lawful for the said commander, captain, pilot, or other person having charge of such vessel, to land or bring on shore, or suffer to be landed or brought on shore, any passenger or passengers, or any of the officers or crew of such vessel, or any part or parcel of the baggage, goods or Vessels having persons on board affected with contagious diseases.

effects, or any other articles contained in said vessels, until he shall have obtained a written permission from the Quarantine Hospital Physician so to do ; and it shall, moreover, be the duty of the persons aforesaid having charge of said ship or vessel to make a full disclosure of all such circumstances in relation to the health of the officers, crew and passengers on board said vessel during the voyage, and at the time of the inquiry, as may be necessary to enable the Quarantine Hospital Physician to determine on the measures necessary to be taken in the premises, and particularly to answer any interrogations which may be put to him by said officer in reference to the existence of small pox, varioloid or other eruptive, infectious or contagious diseases among the officers, crew or passengers on board the vessel at the time of the inquiry, or at any previous time during the passage ; and any person neglecting or refusing to comply with any of the requisitions or provisions contained in this section, or with any order of the Quarantine Hospital Physician, in pursuance of and in conformity thereto, shall forfeit and pay the sum of five hundred dollars ; and if the said penalty shall have been incurred by the commander, captain, pilot or other person having charge of such vessel, and he shall abscond or evade the execution of this section, then the said penalty shall be paid by the owner or consignee of such ship or vessel, unless he shall give such information as may lead to the apprehension of the delinquent.

Penalty.

City Code, (1879) Art. 23, Sec. 136. City Code, (1893) Art. 23, Sec. 143.

Admission of
patients.

165. The Commissioner of Health shall have full power and authority to give an order for the reception of any person affected with a contagious disease, dangerous to the community, into the quarantine hospital.

Cargoes Infected with Disease.

City Code, (1879) Art. 23, Sec. 137. City Code, (1893) Art. 23, Sec. 144.

Certain danger-
ous imports
prohibited.

166. It shall not be lawful for any person or persons knowingly, to bring, or cause to be brought into the city

any damaged coffee, hides, rice or any other article which, by its nature, is liable to produce disease, under a penalty of one hundred dollars; and it shall be the duty of the Mayor and the Commissioner of Health, whenever any such article shall have been brought into the city, to cause a written notice to be served on the person or persons having the same under his, her or their charge, to have the same forthwith removed to such place as may be directed in such notice, and shall likewise order that the vessel (if any) bringing the same be removed within six hours after the delivery at said place to the quarantine grounds there to remain until cleansed and ventilated to the satisfaction of the Quarantine Hospital Physician, and any person or persons refusing or neglecting to comply with the directions prescribed in the notice, either of the Mayor or of the Commissioner of Health shall forfeit and pay a fine of one hundred dollars for each and every Penalty. offence, and twenty dollars for each and every hour such neglect shall continue.

Vessels Exempted from Regulations.

City Code, (1879) Art. 23, Sec. 138. City Code, (1893) Art. 23, Sec. 145.

167. The Mayor and Commissioner of Health may, in their discretion, exempt from the quarantine regulations of the city of Baltimore all steam vessels coming into the port of Baltimore from any port in the United States north of Cape Henry, which exemption shall be certified to the Quarantine Hospital Physician, and shall remain in force until countermanded by said Mayor and Commissioner of Health, and no longer; provided, however, that no exemption granted under the provisions of this section shall be so construed as to exempt the commander, captain, pilot, or other person having charge of any vessel coming into the port of Baltimore, or the owners or consignees of the same, from the penalties and fines imposed by section 164 of this Article.

Mayor and Board of Health may exempt vessels.

City Code, (1879) Art. 23, Sec. 139. City Code, (1893) Art. 23, Sec. 146.

Vessels ex-
empt.

168. Vessels arriving from ports north of Cape Henry free from epidemic or contagious disease, and with cargoes from said ports, shall not be subject to the usual quarantine regulations contained in section 162 of this Article, unless in the judgment of the Commissioner of Health compliance with said regulations shall be necessary to protect the health of the city.

Small Pox and Other Infectious or Contagious Diseases.

City Code, (1879) Art. 23, Sec. 140. City Code, (1893) Art. 23, Sec. 147.

Who to be sent
to the quar-
antine hos-
pital.

169. The Quarantine Hospital Physician shall visit all ships or vessels that may come to at the quarantine grounds, as directed in section 164 of this Article, as soon as practicable in daylight, after the knowledge of such fact shall have been by any means obtained by him; and said officers are hereby authorized and directed to send all persons affected with the small pox, varioloid, or other infectious or contagious diseases, who may be found on board such vessels, to the quarantine hospital, to take or direct such measures in regard to the officers, crew and passengers as in his opinion may be necessary to disinfect them, and to prevent their propagating the disease, to direct all such articles on board the vessels to be landed, in order to be purified from infection, as he may deem proper, and to subject all such articles to such process of disinfection as they may think necessary for that purpose. And the Quarantine Hospital Physician is moreover authorized and required to keep all such articles as he may deem necessary to subject to the disinfecting process aforesaid, under his own care and supervision, until such purpose be accomplished. And it shall be the duty of said Quarantine Hospital Physician, with the approbation of the Mayor and Commissioner of Health, to adopt all means or measures consistent with the laws of the United States, or of the State of Maryland, and with the ordinances of the city of Baltimore, to prevent any communication between the citizens of Baltimore and those

Regulations.

detained, until the necessary means are used to disinfect them, their baggage and other property, to the satisfaction of the Quarantine Hospital Physician. And any person removing or attempting to remove any baggage or merchandise detained in virtue of this section, or any of the health ordinances of the city, shall forfeit and pay twenty dollars, and all expenses of removing said baggage or merchandise back to the hospital or quarantine grounds, as may be directed, and of delivering the same into the charge of the Quarantine Hospital Physician.

Harrison v. Mayor, 1 Gill 264.

Expenses of Disinfection.

City Code, (1879) Art. 23, Sec. 141. City Code, (1893) Art. 23, Sec. 148.

170. The expenses which may be incurred in the disinfecting and purifying of vessels, persons, baggage or other articles from the infection of small pox or other diseases, as provided for in the next preceding section, shall be done at the proper cost and charge of the commander, captain, owner or consignee of the infected vessel, and such part thereof as it may be necessary for the Quarantine Hospital Physician to incur in the first instance, shall be charged to the commander, captain, owner and consignee, or any of them, at the discretion of the Quarantine Hospital Physician and collected by him; but if it cannot be so collected, the amount which said physician shall have necessarily expended for the purpose aforesaid, shall be refunded or repaid by the City Register, with the approbation of the Mayor.

Expense; how paid.

City Code, (1879) Art. 23, Sec. 142. City Code, (1893) Art. 23, Sec. 149.

171. All passengers placed under quarantine, whether detained on ship-board or removed on shore, as the Quarantine Hospital Physician may direct, who shall fail to maintain themselves, shall be provided for by the master of the vessel in which they shall have arrived; and if the master shall omit to provide for them, as above directed,

Passengers, how maintained.

the expense for their maintenance shall be charged to the vessel in which they arrived. And such vessel shall not be permitted to leave the quarantine grounds until such expense shall have been repaid, or secured to be paid in a manner satisfactory to the Quarantine Hospital Physician.

Penalties and Stipulations.

City Code, (1879) Art. 23, Sec. 143. City Code, (1893) Art. 23, Sec. 150.

Penalties imposed for violations of orders, rules and regulations given and made by the Quarantine Hospital Physician.

172. If the captain, commander, or other person having charge of any vessel which shall be detained at quarantine by the Quarantine Hospital Physician, shall refuse or neglect to obey or carry into effect any order or requisition of the Quarantine Hospital Physician made in pursuance of, and in conformity with the provisions of section 169 of this Article he shall forfeit and pay the sum of twenty dollars for every such refusal or neglect, and the further sum of twenty dollars for every hour thereafter during which such disobedience shall continue; and if any person on board such vessel shall leave it and come on shore without the permission of the Quarantine Hospital Physician, he or she shall forfeit and pay the sum of fifty dollars; and any person who shall have been permitted to land, and directed to remain at the Quarantine Hospital until permitted to go into the city, and shall leave the hospital grounds without the permission of the Quarantine Hospital Physician, shall forfeit and pay the sum of fifty dollars; and if any person shall go on board, or have communication in any manner otherwise than by speaking with the persons on board any vessel brought to or detained under the provisions of this section of this Article under quarantine, before he or she hath obtained permission from the Quarantine Hospital Physician, in writing, he or she shall forfeit and pay for every such offence the sum of twenty dollars. If small pox, varioloid, or any infectious or contagious disease shall appear upon any of the officers, crew or passengers of any vessel, at any of the wharves of the city, or at anchor in the basin or harbor, at any season of the year, and the fact shall come to the knowledge of the

Commissioner of Health, it shall be the duty of the Commissioner of Health to order said vessel to the quarantine grounds, to be subject to the regulations hereinbefore provided for in respect to vessels detained at quarantine; and if the commander, captain, or other person having charge of such vessel shall refuse or neglect to obey such order, he shall forfeit and pay the sum of one hundred dollars for such refusal or neglect, and the further sum of twenty dollars for every hour thereafter during which time such disobedience shall be persisted in; and it shall be the duty of the Commissioner of Health to notify the Quarantine Hospital Physician of the fact, for his government in the case. Penalty.

Quarantine Charges Against Vessels.

City Code, (1879) Art. 23, Sec. 144. City Code, (1893) Art. 23, Sec. 151.

173. The Quarantine Hospital Physician, upon visiting any vessel in compliance with the provisions of this subdivision of this Article, whether at quarantine or elsewhere, shall demand and receive from the commander, captain, owner or consignee of such vessel, the following sums of money, viz: From any vessel not exceeding two hundred tons register measurement, two dollars for each and every voyage, and for vessels over and above two hundred tons, one cent a ton for each and every voyage. And it shall be the duty of the Quarantine Hospital Physician to make monthly returns, on oath of all money collected by him, and pay over the same to the City Register without discount or deduction; and also to return the number of vessels boarded by him, and the tonnage of each. And if any commander, captain, owner or consignee of such vessel shall refuse or neglect to pay the sum authorized to be demanded of him by this section, it shall be the duty of the Quarantine Hospital Physician, to issue and deliver, or cause to be delivered, to said commander, captain, owner or consignee, a written order forbidding the landing of any part of the cargo of such vessel until the demand is paid; and if any person, so notified, shall disobey such order, he Charges.

Payment, how enforced

or she shall forfeit and pay the sum of twenty dollars, and the further sum of twenty dollars for every hour thereafter during which such disobedience shall continue.

Patients at Quarantine Hospital.

City Code, (1879) Art. 23, Sec. 147. City Code, (1893) Art. 23, Sec. 154.

Charge for
patients.

174. The Quarantine Hospital Physician, shall be authorized and he is hereby directed and empowered to charge each patient, over fifteen years of age, who may be sent to the Quarantine Hospital, fifty cents for each and every day they may continue therein, and twenty-five cents for each and every person under fifteen years of age, except infants, for whom no charge shall be made. And should said patient or patients, liable to pay such charges, fail to do so prior to leaving said hospital, then the master, owner or consignee of the ship or vessel from which such patient was received shall be answerable for said charge, and it shall not be lawful for any person commanding or having charge of such ship or vessel, to remove such ship or vessel from the quarantine grounds before executing, in writing, an agreement to pay to the Mayor and City Council of Baltimore, such sum or sums as shall be chargeable to each and every patient sent to said hospital from such ship or vessel.

Supplies for Hospital.

Ord. 114, September 23, 1882. City Code, (1893) Art. 23, Sec. 155.

Necessary
supplies.

175. The Quarantine Hospital Physician, through the Commissioner of Health, may obtain the necessary supplies for the support of the hospital and for carrying out the provisions of this sub-division of this Article, and all bills for these purposes must be contracted by the Commissioner of Health.

City Code, (1879) Art. 23, Sec. 149. City Code, (1893) Art. 23, Sec. 156.

Custody of
goods and
baggage.

176. Whenever the Quarantine Hospital Physician shall find it necessary to order the goods, baggage or bedding

from on board a ship or vessel for the purpose of cleansing or disinfecting the same, he shall take care to have them kept safe from injury or depredation, and cause them, when disinfected, to be returned to the ship or vessel from which they were taken, before such ship or vessel shall leave the quarantine grounds, unless the owner or owners thereof be detained at the hospital, in which case the same shall be delivered to the respective owner or owners thereof, when they shall be discharged from the hospital; the captain, owner or consignee shall be answerable for all expenses incurred in carrying out the provisions of this section.**

Medical Attendance.

City Code, (1879) Art. 23, Sec. 151. City Code, (1893) Art. 23, Sec. 158.

177. The Quarantine Hospital Physician may, when he shall deem it necessary to prevent the propagating of small pox or varioloid disease among the crew and passengers of a ship or vessel detained at the quarantine ground, vaccinate any one or more of said crew and passengers, and may charge twenty-five cents a person for performing said duty, and in case one or more persons on board a ship or vessel whom it would not be necessary to send to the hospital, but who may desire the attendance of the Quarantine Hospital Physician during any part of the time said ship or vessel may remain at the quarantine ground, shall charge fifty cents per day for each and every person he may so attend; and in case said person or persons shall fail to pay said charges, then the ship or vessel, the master, the owner or consignee of the ship or vessel shall be answerable for the charges herein provided to be made; the money, when collected, to be paid to the City Register, to be placed by him to the credit of the Quarantine Hospital.

Vaccination of
crew and
passengers

**NOTE.—See, note on decision of Brown, C. J., *in re* Frederick Meyers v. M. & C. C. of Baltimore, City Court, December 1873, pages 437, *et seq.* Baltimore City Code, (1879).

City Code, (1879) Art. 23, Sec. 152. City Code, (1893) Art. 23, Sec. 159.

Harbor Master
to report
violations.

178. Whenever the Harbor Master shall hear or know of any violation of any of the provisions of this sub-division of this Article, it shall be his duty to report said violation to the Commissioner of Health, who shall promptly enforce the penalties of this sub-division of this Article; and all money so collected shall be paid to the City Register, who shall place the same to the credit of the quarantine hospital.

REGISTRATION OF BIRTHS AND DEATHS.

Registry of Births and Deaths.

Ord. 102, May 24, 1884. City Code, (1893) Art. 42, Sec. 1.

Health Com-
missioner to
provide
books for
registration.

179. The Commissioner of Health shall provide suitable books, in which he shall register in the manner hereinafter directed, the returns made to him of the births and deaths which may occur in the city of Baltimore, together with the reported cause of death in each case.

Ord. 102, May 24, 1884. City Code, (1893) Art. 42, Sec. 9.

Ord. 177, December 23, 1904.

Births and
deaths to be
registered in
separate
books.

180. The registry of births and deaths shall be kept in separate books, with general indexes to the respective records, and said register shall at all times be accessible to the public, except for purposes of commercial solicitation or private gain, under such restrictions and regulations, as to time, place, transcripts and abstracts therefrom, as may be imposed by the Commissioner of Health, or by any ordinance of the Mayor or City Council of Baltimore.**

To be open to
public.

Death Certificates.

City Code, (1893) Art. 42, Sec. 2. Ord. 112, June 21, 1904.

181. When any person shall die in said city of Baltimore and the case does not come under the notice of the coroner,

**See, *Diehl v. Bosley*, Equity Docket 44A folio 402, Circuit Court of Baltimore City, construing section 9, *supra*. This case was decided March 11, 1905.

it shall be the duty of the physician who attended during the last illness of such deceased person to furnish within eighteen hours after the death, to the undertaker having in charge the preparation of the body for burial, a certificate setting forth as far as the same can be ascertained, the full name, age, color, sex, nativity, occupation, whether married or single, duration of residence in the city of Baltimore, cause, date and place of death and duration of last illness of such deceased person; and it shall then be the duty of the undertaker having in charge the preparation of such body for burial, to state in such certificate, the date and place of burial, and having signed the same, to furnish and deliver it to the Commissioner of Health within twenty-four hours after the receipt of said certificate from the physician as aforesaid; provided, that in case of death from any infectious or contagious disease, said certificate shall be so made by the undertaker and delivered to the Commissioner of Health forthwith upon its receipt from the physician.

Upon occurring of death of any person, physician to furnish undertaker with certificate.

Duty of undertaker.

Young v. College, etc., 81 Md. 358.

Ord. 112, June 21, 1904.

182. When any person shall die in said city, and the case comes under the notice of the coroner, it shall be the duty of the coroner, within eighteen hours after the death, to furnish to the undertaker having in charge the preparation of the body for burial, the certificate called for by the next preceding section of this Article; provided, that in cases where the coroner is unable to furnish said certificate to the undertaker within said eighteen hours, because further time is required by him for investigation as to the cause of death, then the coroner shall have further time in which to make and furnish such certificate to the undertaker, and shall in this event furnish such certificate as soon as practicable after the death, and upon receipt of such certificate by the undertaker, it shall thereupon be his duty to state in such certificate the date and place of burial, and, having signed the same, to furnish and deliver it to the Commissioner of Health within twenty-four hours after the

Duty of coroner to furnish certificate of death when case comes under his notice.

Duty of undertaker.

Certificates
when disease
is contagious
or infectious.

receipt of the same from the coroner as aforesaid; provided, that in case of death from any infectious or contagious disease, said certificate shall be so made by the undertaker and delivered to the Commissioner of Health forthwith upon its receipt from the coroner.

Ord. 112, June 21, 1904.

What the certifi-
cate shall
contain.

183. In the certificate required to be furnished by the coroner to the undertaker in accordance with the next preceding section, the coroner shall in all cases certify the cause of death and shall state whether the death was due to natural causes, accident, suicide or homicide.

Ord. 102, May 24, 1884. City Code, (1893) Art. 42, Sec. 3.

Permits for
burial.

184. No interment or disinterment of the dead body of any human being or disposition thereof in any tomb, vault or cemetery, shall be made within the city of Baltimore, without a permit granted therefor by the Commissioner of Health, and no sexton, undertaker or other person shall assist in, or assent to, or allow such interment or disinterment, or aid, or assist about preparing any grave or place of deposit for any such body for which such permit has not been given authorizing the same. And it shall be the duty of every person who shall receive any such permit to preserve and return the same to the office of the Commissioner of Health before twelve o'clock M., on the Saturday next succeeding the date of burial or removal of the body; provided, however, that after a permit has been given no additional permit shall be required to remove the body from one place to another place in the same cemetery.

Ord. 102, May 24, 1884. City Code, (1893) Art. 42, Sec. 4.

Certificate of
undertaker.

185. In case any person shall die without the attendance of a physician, or if the physician who did attend at the time of death refuses or neglects to furnish a certificate as aforesaid, it shall be the duty of the undertaker or other person acquainted with the facts to report the same to

the Commissioner of Health, who shall be authorized to give a certificate of death as aforesaid, provided it be not a case requiring the attendance of a coroner.

Ord. 102, May 24, 1884. City Code, (1893) Art. 42, Sec. 5.

186. In case any physician or coroner shall refuse or Penalty. neglect to furnish said certificate as aforesaid, he shall forfeit and pay the sum of ten dollars (\$10) for each and every offence; and any undertaker, sexton or other person removing the dead body of any person, or having charge of any vaults, burying-grounds or cemeteries, who refuses or neglects to perform any of the duties required by this sub-division of this Article shall forfeit and pay the sum of twenty dollars (\$20).

Permits for Transportation of Dead Bodies.

Ord. 102, May 24, 1884. City Code, (1893) Art. 42, Sec. 6.

Ord. 103, June 20, 1904.

187. No dead body or part of the dead body of any human being shall be in any manner conveyed or carried from, in, to or through the city of Baltimore by any person or by means of any boat, vessel, car, stage or other vehicle, or by any public or private conveyance, without a Permit for conveyance of dead bodies. permit therefor first granted by the Commissioner of Health; and when the dead body or any part of the dead body of any person is to be conveyed, transferred or removed beyond the limits of the city of Baltimore, it shall be the duty of the person or agent or officer of the corporation having charge of the conveyance, transfer or removal, to detach, sign and return the coupon attached to said permit to the Commissioner of Health before twelve o'clock M., on Saturday next succeeding the conveyance, removal or transfer of said dead body, and any person or persons who shall violate any of the provisions of this section, shall be guilty of a misdemeanor, and, upon conviction thereof shall be subject to a fine of not less than ten or more than Penalty. fifty dollars for each offence.

Duties of transportation companies.

Midwifery.

Ord. 102, May 24, 1884. City Code, (1893) Art. 42, Sec. 7.

Register of
births to be
kept.

Physicians to
report births.

Parents to
report births.

188. Every person practicing midwifery in the city of Baltimore, under whose charge or superintendence a birth shall hereafter take place, shall keep a true and exact register of such birth, and shall enter the same on a blank schedule to be furnished by the Commissioner of Health. This schedule shall contain a list of the births which have occurred under his or her care during the month, and shall set forth, as far as the same can be ascertained, the full name of each child (if any shall have been conferred,) its sex, color, the full name and occupation of its parents, the date and place of its birth: and the said schedule shall be duly signed by the practitioner in the form of a certificate, between the first and third day of each and every month, to the office of the Commissioner of Health. In case the birth of any child shall occur without the attendance of a physician or a practitioner of midwifery, or should no other person be in attendance upon the mother immediately thereafter it shall become the duty of the parent or parents of such child to report its birth to the Commissioner of Health, in the manner and within the period above required; and any such person or persons who shall hereafter fail to comply with the provisions of this section shall be subjected to a fine of ten dollars (\$10) for each offence.

*Register of Physicians, Midwives, Undertakers
and others.*

Ord. 102, May 24, 1884. City Code, (1893) Art. 42, Sec. 8.

Physicians,
mid-wives,
sextons,
undertakers
and superin-
tendents of
cemeteries to
register their
names at
Health
Department.

189. It shall be the duty of every physician, midwife, undertaker, sexton or superintendent of any cemetery, or other person having charge of the same, within the city of Baltimore, to register his or her name in a book or books, to be provided for such purpose at the office of the Commissioner of Health, giving full name, residence and place of business, and in case of removal from one place to another in said city, to make change in said register accordingly. And any physician, midwife, undertaker,

sexton, or superintendent of any cemetery who shall refuse or neglect to register his or her name, residence or place of business, or who shall refuse or neglect to perform any other of the duties required as aforesaid, shall forfeit and pay for each offence the sum of ten dollars (\$10).

Ord. 114, November 11, 1898.

190. The Commissioner of Health shall have authority to issue a transcript of birth or death, upon the request in writing of a responsible person, for which he shall charge the sum of fifty cents for each and every one furnished. Whenever a search of the records is made without result a similar charge shall be made for a certificate stating such facts, except when such applicant shall fail to furnish the full data, when a special charge of not more than one dollar (\$1) shall be made.

Commissioner of Health to issue transcripts of births or deaths.

Ord. 114, November 11, 1898.

191. The Commissioner of Health shall account to the Comptroller monthly for all monies received by his department from the above charges.

Accounting for monies received.

Ord. 102, May 24, 1884. City Code, (1893) Art. 42, Sec. 10.

192. In order to secure uniformity and despatch in the registration herein provided for, the books shall contain on the margin of each page, printed titles, with corresponding blanks suitable for entries for births and deaths, in the following order: Births,—full name of the child (if any shall have been conferred), sex, color, full name of the father, full name of the mother, day, month and year of the birth, street and number of the house where born, name of the physician or other person signing the certificate, and his or her residence. Deaths,—full name of the deceased, color, sex, age, married or single, occupation, birthplace, date of death, cause of death; when an infant unnamed, the name of the father and mother, ward, street and number of house, and date and place of burial.

Order of entries.

Ord. 102, May 24, 1884. City Code, (1893) Art. 42, Sec. 11.

Blanks for
distribution.

193. The Commissioner of Health shall keep on hand at all times, a supply of blanks for gratuitous distribution to all persons whose duty it shall be to make returns under this sub-division of this Article, the said blanks to be prepared in the form of books, and the margins shall correspond with the printed titles in the books of the Commissioner of Health, as required by the next preceding section.

Ord. 69, May 17, 1895.

Dead bodies
not to be re-
tained un-
buried longer
than four
days, or not
longer than
24 hours
where death
has been
caused by
infectious or
contagious
diseases.

Penalty.

194. No person or persons shall allow to be retained unburied the dead body of any human being for a longer time than four days, or where death has been caused by an infectious or contagious disease for a longer time than twenty-four hours after the death of such person without a permit from the Commissioner of Health, which permit shall specify the length of time such body may be retained unburied; any person or persons violating any of the provisions of this section shall be liable to a penalty of fifty dollars (\$50).

SLAUGHTER AND HIDE HOUSES, HOG PENS, &c.

City Code, (1879) Art. 23, Sec. 66. City Code, (1893) Art. 23, Sec. 87.

Examination
of complaints
against
slaughter
houses.

195. Should complaint be made to the Commissioner of Health by six of the property holders or heads of families within six hundred feet of any slaughter-house, that such slaughter-house is a nuisance, affecting the health of the neighbors or the value of property in the vicinity, it shall be his duty to examine the place, and if he shall think the complaint well founded, to report the case to the Mayor, and also to report to him under what resolution or ordinance of the Mayor and City Council of Baltimore, the slaughter-house was erected.

City Code, (1879) Art. 23, Sec. 67. City Code, (1893) Art. 23, Sec. 88.

196. If the Mayor shall agree with the Commissioner of Health that the slaughter-house is a nuisance, and it shall have been erected under any resolution or ordinance providing that it shall be removed upon notice from the Mayor, he, the Mayor, shall immediately give the notice required by such resolution or ordinance; but if the slaughter-house shall not have been erected under a resolution or ordinance containing such a provision, the Mayor shall take steps to have such nuisance proceeded against at common law.

Notice for removal of slaughter houses becoming a nuisance.

City Code, (1879) Art. 23, Sec. 68. City Code, (1893) Art. 23, Sec. 89.

197. No slaughter-house or hide-house shall hereafter be erected within the limits of the city, under a penalty of two hundred dollars, and a further penalty of one hundred dollars for each and every month thereafter, until the same is pulled down, or removed out of the city limits.

No slaughter house to be built.

City Code, (1879) Art. 23, Sec. 69. City Code, (1893) Art. 23, Sec. 90.

198. It shall not be lawful for any person or persons to keep any hog or hogs, in any sty or yard, or elsewhere on their premises within the city of Baltimore, under a penalty of not less than one dollar, nor more than five dollars, for each and every day each and every hog may be kept in any sty or yard or elsewhere on such premises within said limits; provided, however, that the provisions of this section shall not apply to hogs brought to the city for the purpose of sale or slaughter, whether in the possession of parties bringing them to the city for sale or slaughter, or in the possession of any agent of such parties, or in the possession of a resident pork butcher or packer, when penned in any of the enclosures attached to the Maryland State live stock scales. This provision of exemption from the conditions of this section, however, is not to be construed to allow any resident pork butchers or packers to keep any hogs about their premises for any purpose other than for

Hog pens.

slaughter, and for the purpose of slaughter for a period no longer than ten days from the time of the first receipt of said hogs.

City Code, (1879) Art. 23, Sec. 70. City Code, (1893) Art. 23, Sec. 91.

What number
of hogs may
be kept.

199. It shall be lawful for any victualler, a resident of the city of Baltimore, to keep on his slaughter-house premises, to run at large thereon only, such number of hogs as may be deemed requisite to consume the offal from his slaughter-house; provided said victualler shall first procure a permit so to do from the Commissioner of Health; and the granting of such permit or its refusal shall be in the discretion of the Commissioner of Health, as provided in the next succeeding section.

City Code, (1879) Art. 23, Sec. 71. City Code, (1893) Art. 23, Sec. 92.

Permits to keep
hogs.

200. It shall be the duty of the Commissioner of Health, when application shall be made to him by any victualler for permission to keep hogs on his premises, to visit the said premises; and if, in his judgment the keeping of a certain number of hogs upon the same shall not create a nuisance, or be detrimental to the health of the contiguous neighborhood, then he shall give a permit, as is provided for in the next preceding section; said permit to be good for twelve months, unless sooner revoked by him.

City Code, (1879) Art. 23, Sec. 72. City Code, (1893) Art. 23, Sec. 93.

Penalty.

201. Any person who shall keep hogs upon his premises, without first having had and obtained a permit so to do, as provided for in the two next preceding sections, shall forfeit and pay a fine of twenty dollars for every violation, and five dollars for every day such violation is continued.

FINES AND PENALTIES.

City Code, (1879) Art. 23, Sec. 12. City Code, (1893) Art. 23, Sec. 21.

202. If any person or persons shall refuse or neglect to comply with any order or notice of the Commissioner of

Health, authorized by the provisions of any section of this Article and no other penalty is herein provided for such neglect or refusal, such person or persons shall forfeit and pay the sum of twenty dollars for each offence, and five dollars for every day that such neglect or refusal shall continue.

Penalty for non-compliance with notice or order of Commissioner of Health.

203. All fines, penalties and forfeitures incurred by any violation of this Article shall be recovered as other fines, forfeitures and penalties imposed for the violation of city ordinances are recoverable, and the monies so collected shall be paid to the Comptroller.

Recovery and accounting.

ARTICLE XV.

HOLIDAYS.

ORDINANCES.

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| 1. Twelfth of September to be a municipal holiday.

2. First Monday in September to be Labor Day. | 3. Saturday half-holiday. |
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City Code, (1879) Art. 24, Sec. 1. City Code, (1893) Art. 24, Sec. 1.

1. The twelfth day of September is hereby recognized and declared to be a municipal holiday, and upon its annual recurrence the municipal departments shall be closed, and the business of the corporation suspended, as a mark of respect for the day.

Twelfth of September.

Ord. 102, October 2, 1888. Ord. 140, October 9, 1891. City Code, (1893) Art. 24, Sec. 2.

2. The first Monday in September of each year is hereby designated as "Labor Day," and is hereby recognized and declared to be a municipal holiday; and upon its annual recurrence the municipal departments shall be closed, and

Labor day.

the business of the corporation suspended thereon, so that the employes of, or those holding office under the municipal government, belonging to labor organizations, may have the opportunity of participating in the parades, demonstrations and festivities of said organizations on that day.

Ord. 54, April 19, 1892. City Code, (1893) Art. 25, Sec. 3.

Saturday half
holiday.

3. Hereafter on every Saturday in the year, when the offices in the municipal departments in the City Hall are not closed by reason of the day being a full, legal or municipal holiday, the office hours of the said municipal departments in the City Hall shall cease at twelve o'clock noon.

ARTICLE XVI.

HOSPITALS.

ORDINANCES.

Insane Asylums.

- 1. Not to be built within city.
- 2. No building within city to be used as such.
- 3. Penalty for offending against provisions of this sub-division.

Hospitals for the Sick.

- 4. No hospital for such to be established without assent of Mayor and City Council; notice by publication before such assent given.
- 5. Penalty for unauthorized establishment of such hospital.

Maryland Hospital and Insane Asylum.

- 6. Monthly examination of insane patients at Bay View Asylum; transfer of indigent insane to hospital for curative treatment.
- 7. Permit for insane paupers to enter Spring Grove or other asylum.

City Patients.

- 8. Maintenance and treatment of such patients at said hospitals; officers of said hospitals to keep separate account of such patients and report to Mayor and City Council.

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| 9. Disposition of bodies of such patients in case of death; City Register to pay for burial when body not claimed. | 12. Supervisors of City Charities to visit hospitals. |
| 10. Duty of hospitals in respect to maintenance and treatment of city patients; duty of Supervisors of City Charities therein; to keep list of persons sent to hospitals; to report to said Supervisors monthly. | 13. Forfeiture by hospitals of benefits under this Article. |
| 11. Burial of patients dying in said hospitals. | 14. Supervisors of City Charities to have right of way in going to or carrying sick or injured; to have same privileges as Fire Department. |
| | 15. Penalty for hindering ambulances. |
| | 16. Recovery of fines imposed under this Article. |

Ambulances.

INSANE ASYLUMS.

City Code, (1879) Art. 25, Sec. 1. City Code, (1893) Art 25, Sec. 1.

1. It shall not be lawful for any person or persons to erect or build, or cause to be erected or built, any lunatic or insane asylum within the city limits.

Insane asylum not to be built in city.

City Code, (1879) Art. 25, Sec. 2. City Code, (1893) Art. 25, Sec. 2.

2. No building already erected, within the limits of direct taxation, shall be used as an insane asylum, or for the purpose of containing insane persons.

No building in city to be used as such.

City Code, (1879) Art. 25, Sec. 3. City Code, (1893) Art. 25, Sec. 3.

3. Any person or persons offending against the provisions of the two next preceding sections shall forfeit and pay the sum of one hundred dollars for every such offence, and the further sum of one hundred dollars a day for every day they shall permit any building to be used for such purpose.

Penalty.

HOSPITALS FOR THE SICK.

City Code, (1879) Art. 25, Sec. 4. City Code, (1893) Art. 25, Sec. 4.

No hospital
for such to be
established
without
assent of M.
and C. C.

4. It shall not be lawful to establish any hospital for the sick, within the limits of direct taxation, unless by and with the assent of the Mayor and City Council of Baltimore; provided, that before such assent shall be given, public notice shall be given of an intention to apply to the City Council for such grant, which public notice shall be given at least thirty days before the City Council shall act upon the application, and published at least once a week for four weeks in not less than two of the daily newspapers of the city.**

City Code, (1879) Art. 25, Sec. 5. City Code, (1893) Art. 25, Sec. 5.

Penalty.

5. If any hospital for the sick, as aforesaid, shall be established in violation of the next preceding section, the party or parties so establishing the same or who may be conducting it shall be fined the sum of fifty dollars for each and every day it is permitted to remain as such, after having received notice of ten days from the Mayor or Commissioner of Health to discontinue it.

MARYLAND HOSPITAL AND INSANE ASYLUMS.

City Code, (1879) Art. 25, Sec. 6. City Code, (1893) Art. 25, Sec. 6.

Monthly ex-
amination of
insane
patients at
Bay View.

6. The Supervisors of City Charities shall cause monthly examinations of all insane patients in Bay View Asylum, to be made by the physician in charge, and shall from time to time transfer to the Maryland Hospital such indigent lunatics as in the judgment of said physicians will most probably be benefited by curative treatment; provided, the number thus transferred shall not exceed the legal quota under section 11 of Article 44 of the Code of Public General Laws, title "Hospital—Maryland."

Md. Hospital *v.* Foreman, 29 Md. 524.

**See note, City Code, (1879) page 447.

City Code, (1879) Art. 25, Sec. 7. City Code, (1893) Art. 25, Sec. 7.

7. The Supervisors of City Charities are hereby authorized and empowered, upon a properly authenticated certificate of two competent physicians, to issue a permit in behalf of any indigent insane citizen of the city of Baltimore, suffering with an acute or curable form of mania, under which permit such person may be taken to the Maryland Hospital at Spring Grove in Baltimore County, or any other hospital for the insane in the State of Maryland, that the Supervisors of City Charities may determine; and the officers of the said hospital, on receipt of such permit, are hereby authorized to receive such person on account of the Mayor and City Council of Baltimore; provided, that the Mayor and City Council of Baltimore shall not be liable, under any such permit, for a longer period, nor for a greater amount, than that for which appropriation may be made.**

Permit for insane paupers to enter Spring Grove or other asylum.

CITY PATIENTS.†

City Code, (1879) Art. 25, Sec. 8. City Code, (1893) Art. 25, Sec. 8.

8. It shall be the duty of the officers of said hospital or hospitals, to which said person may be sent, to properly maintain and treat the persons so sent to their institution, on permit as aforesaid; and also to keep separate lists of all persons sent to said hospital under the provisions of the next preceding section of this Article; and the said officers shall report, in writing, to the Mayor and City Council of Baltimore, at least quarterly, the number, name and sex of persons received and treated by them as aforesaid, and any other information they may deem interesting or important in connection therewith.

Maintenance and treatment of such insane patients.

City Code, (1879) Art. 25, Sec. 9. City Code, (1893) Art. 25, Sec. 9.

9. If any persons sent or taken to the said hospital under the provisions of section 7 of this Article shall die

Burial of such patients.

**NOTE.—See note, City Code, (1879) pages 445 and 452.

†In relation to contracts with city for maintenance and care of city poor, see, *St. Mary's Industrial School v. Brown*, 45 Md. 334.

while inmates thereof, their bodies shall be delivered to any relatives or friends who may, within twelve hours after decease, demand the same for interment ; and if not claimed in that time by relatives or friends the same shall be properly buried under the direction of the officers of said hospital ; and the City Register shall pay therefor a sum not exceeding eight dollars for every body so interred, upon the certificate of the president of the institution, countersigned by the Commissioner of Health.

City Code, (1879) Art. 25, Sec. 12. City Code, (1893) Art. 25, Sec. 12.

Duty of hospitals in respect to maintenance and treatment of City patients.

10. It shall be the duty of such hospitals with which the Mayor and City Council of Baltimore may contract, to receive and properly maintain and treat the persons sent to their respective hospitals under the terms of such contracts so long as such persons in the opinion of the Supervisors of City Charities, may be entitled to relief, and require it ; said opinion of the Supervisors of City Charities in regard to the dismissal or removal from said institution shall not be exercised without consulting with the resident physicians of said hospitals ; and they shall also keep lists of all persons sent to said hospitals, in which shall be stated the names of the persons, their residences, and the diseases treated by them ; and they shall report in writing to the Supervisors of City Charities, at least monthly, the number of persons received by them as aforesaid, and for what diseases.

City Code, (1879) Art. 25, Sec. 13. City Code, (1893) Art. 25, Sec. 13.

Burial of such patients.

11. If any person sent or taken to any of the hospitals to which reference is made in the next preceding section of this Article shall die under the charge of the authorities thereof, the body shall be delivered to any relative or friend of the deceased who may within twenty-four hours after death demand the same for interment, and if not claimed within that time by relatives or friends, the same shall be delivered to the Commissioner of Health, to be interred according to the provisions of Article 14 of this Code.

City Code, (1879) Art. 25, Sec. 15. City Code, (1892) Art. 25, Sec. 15.

12. It shall be the duty of the Supervisors of City Charities to visit the said hospitals at least once a month, to inform themselves in reference to the condition of those sent there under the authority of law or ordinance.

Supervisors of City Charities to visit hospitals.

City Code, (1879) Art. 25, Sec. 16. City Code, (1893) Art. 25, Sec. 16.

13. If at any time the authorities of any of said hospitals shall violate the provisions of this Article, they shall thenceforth be excluded from the benefit of the same.

Forfeiture by hospitals of benefits of this Article,

AMBULANCES.

Ord. 28, June 10, 1897.

14. Any ambulance or vehicle belonging to the Police Department of the city of Baltimore, or to any hospital situated in said city, shall be entitled to the right of way over the streets, lanes and highways of the city of Baltimore while going to the sick or injured, or conveying them to their homes, the hospitals or station houses, and said ambulances or vehicles shall enjoy the same privileges in going or conveying said sick or injured as are now enjoyed by the Baltimore City Fire Department.

To have right of way.

Ord. 28, June 10, 1897.

15. Any person or persons interfering with or hindering said ambulances or vehicles of the hospitals situated in Baltimore city, or of the Police Department, in passing along any of the streets, lanes or highways in the city in going to or conveying any sick or injured person or persons shall, upon conviction thereof, pay a fine of fifty dollars (\$50), to be recovered as other fines are recovered.

Penalty.

16. All fines incurred by the violation of any of the provisions of this Article shall be recovered as other fines imposed by ordinance are recoverable, and when collected shall be paid to the Comptroller.

Recovery and accounting of fines.

ARTICLE XVII.

INSPECTIONS, WEIGHTS AND MEASURES.

ORDINANCES.

Hay and Straw.

1. Regulations for sale of loose hay and straw.

Reports of Inspectors.

2. Inspectors to make quarterly reports to Mayor of articles inspected.

Streets.

3. Articles to be inspected or gauged may be placed on footways; not to obstruct footways or entry or exit to or from any house, store, etc., without consent of owner; penalty.

Keepers of the Standards of Weights and Measures.

4. Appointment of six keepers of standards of weights and measures; duties; bond; districts in which keepers shall have authority; to be residents of district for which appointed.
5. Each keeper to have an office in a central location; office hours.
6. Comptroller to procure sets of weights and measures for keepers; to keep one standard set in his office.
7. Standard set to be same as United States standard.
8. Each keeper to compare his weights, etc., with the stand-

ard set quarterly; penalty for failure to compare.

9. Dimensions of bushel, $\frac{1}{2}$ half-bushel, peck, half-peck and quarter-peck measures.
10. Weights and measures to be inspected and stamped; annual inspection; such stamped and inspected weights and measures only to be used in sale of articles by weight or measure.
11. Branding of dry measures; penalty for counterfeiting brand.
12. Scale beams to be inspected and stamped; penalty.
13. Patent balances, platforms or scales to be inspected and stamped; annual inspection; penalty for use without inspection.
14. Said instruments when found untrue to be stamped "condemned"; penalty for use of such condemned instruments.
15. Penalty for use of injured or condemned weights or measures.
16. Fees for testing and stamping weights and measures; patent weighing apparatus to be tested to ultimate capacity.

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| <p>17. Weights and measures to be inspected annually.</p> <p>18. Penalty for failure of keeper to inspect.</p> <p>19. Keepers to wear badge of office.</p> <p>20. Duties of keepers; to attend at markets, etc., once a year to inspect scales, etc.; to keep a record of same; to exhibit said record to Mayor.</p> <p>21. Penalty for refusing to have beams, scales and measures inspected; keepers to examine, adjust and sell false weights and measures.</p> <p>22. Keepers to make monthly returns to Comptroller; compensation of keepers by City Register; Register to report same to Council.</p> <p>23. Additional compensation to keepers.</p> <p style="text-align: center;">Charcoal.</p> <p>24. Appointment of measurer; deputies; oath of measurer and deputies.</p> <p>25. Mayor to designate stands for measurement.</p> <p>26. Charcoal to be measured and certificate furnished seller by measurer; measurement fees; penalty for sale without measurement.</p> <p>27. Retailers exempt from requirements for measurement.</p> <p>28. Estimated cubic contents of bushel.</p> | <p>29. Measurer not to be concerned in buying or selling.</p> <p>30. Penalty for fraud of vendor.</p> <p style="text-align: center;">Coal.</p> <p>31. To be sold by ton of 2,240 pounds; exception as to bituminous coal; penalty for sale by other measure; additional penalty for short weight; proviso as to sales of single bushel, peck, etc.</p> <p style="text-align: center;">Firewood.</p> <p>32. How to be sold; proviso as to small quantities.</p> <p style="text-align: center;">Ice.</p> <p>33. To be sold by weight; seller to be provided with scales at time of delivery; buyer may require ice to be weighed.</p> <p>34. Weight of bushel of ice; penalty for short weights.</p> <p style="text-align: center;">Bakeries and Confectioneries.</p> <p>35. Appointment of Inspector of Bakeries; his duties; penalty against unsanitary bakeries and use of unwholesome ingredients.</p> <p>36. Qualifications of inspector.</p> <p>37. To furnish bond.</p> <p>38. Notice to offenders; penalty for disregard of notice.</p> <p>39. Recovery and accounting of fines, penalties and forfeitures imposed hereunder.</p> |
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HAY AND STRAW.

City Code, (1879) Art. 28, Sec. 18. City Code, (1893) Art. 28, Sec. 30.

1. Any person bringing loose hay or straw to the city for sale, in wagon, cart or other carriage, and having sold Sales regulated.

the same, shall, on delivery thereof, return to the State scale, and have the empty vehicle weighed, and obtain from the weigh-master a receipt of the net weight thereof, and give the same to the purchaser of his hay or straw ; and any person delivering any parcel of hay or straw to a purchaser, of less weight than charged for, shall be fined twenty dollars for each and every offence.

REPORTS OF INSPECTORS.

City Code, (1879) Art. 28, Sec. 19. City Code, (1893) Art. 28, Sec. 31.

Quarterly re-
ports.

2. Every inspector holding his appointment under this corporation, (unless otherwise directed by the ordinance providing for his appointment and prescribing his duties,) shall on the last day of March, June, September and December, in each and every year, make on oath or affirmation, as the case may be, a true statement to the Mayor of all the articles inspected by him in pursuance of the duties of his office.

OBSTRUCTION OF STREETS.

City Code, (1879) Art. 28, Sec. 20. City Code, (1893) Art. 28, Sec. 32.

Inspection of
goods on
streets.

3. Such articles as are to be inspected or gauged under ordinances or statutes, may be placed on the footways of any of the streets, lanes or alleys of the city, such articles, however, to be arranged so as not to obstruct the passage through the streets or over the footways from the stone or other pavement to any house, store, cellar, or back yard, or from any house, store, cellar or back yard to the pavement, without the consent of the owner or occupier ; every person so offending shall forfeit and pay the sum of five dollars.

KEEPERS OF THE STANDARDS OF WEIGHTS AND MEASURES.

Ord. 9, February 12, 1881. Ord. 18, February 27, 1892. City Code, (1893) Art. 28, Sec. 33. Ord. 39, March 9, 1896.

4. There shall be appointed pursuant to authority conferred by the City Charter, six persons to be keepers of

the standards of weights and measures whose duty it shall be safely to keep and preserve the same, and when required, to deliver them to the Mayor or such other person as he may appoint to receive the same, and to perform the several duties prescribed by ordinance respecting weights and measures ; and before they shall enter upon the duties of their respective appointment, they shall each give bond to the Mayor and City Council of Baltimore, in the penal sum of one thousand dollars, conditioned for the faithful discharge of all the duties appertaining to their office. Five of the said keepers shall be keepers of the standards of weights and of liquid measures, and the other, of dry and long measures. The city shall be divided into five districts, to be known as the northwestern, northeastern, southwestern, southern and southeastern. The northwestern district shall be north of Fayette street and west of Calvert street; the northeastern district shall be north of Fayette street and east of Calvert street ; the southwestern district shall be south of Fayette street and west of Howard street ; the southern district shall be south of Fayette street, east of Howard street and west of Jones' Falls ; the southeastern district shall be south of Fayette street and east of Jones' Falls. Said keepers of the standards of weights and liquid measures shall be residents respectively of the district for which they may be appointed. **

Six keepers of the standards of weights and measures.

Bond.

Districts.

City Code, (1879) Art. 28, Sec. 22. City Code, (1893) Art. 28, Sec. 34.

5. The keepers of the standards of weights and measures shall each keep an office in a central location, in their respective districts, where they shall attend daily between the hours of eight and ten A. M.

Their offices.

City Code, (1879) Art. 28, Sec. 23. City Code, (1893) Art. 28, Sec. 35.

6. It shall be the duty of the Comptroller to procure one set of weights and measures for the use of the appropriate keepers, and one standard set of the same, to be

Comptroller to procure sets of weights and measures.

**NOTE.—Ord. No. 39, March 9, 1896, repealing and re-ordaining this section is invalid under decision in *Hooper v. Creager*, 84 Md. 256 ; see ante page 224, note.

kept in his office as a guide to the keepers, and by which the weights and measures of the keepers shall be regulated.

City Code, (1879) Art. 28, Sec. 24. City Code, (1893) Art. 28, Sec. 36.

Standard of
weights and
measures.

7. The standard of weights and measures to be deposited in the Comptroller's office shall be the same as the standard of weights and measures of the United States, and the same shall be the standard for the city of Baltimore.

City Code, (1879) Art. 28, Sec. 25. City Code, (1893) Art. 28, Sec. 37.

Keeper to
compare with
standard.

8. It shall be the duty of each keeper to compare and adjust his weights and measures, at least once a quarter with the standard set in the Comptroller's office, and any keeper failing so to do shall forfeit and pay a sum of twenty dollars.

City Code, (1879) Art. 28, Sec. 26. City Code, (1893) Art. 28, Sec. 38.

Dimensions of
bushels, half-
bushels,
peck, half-
and quarter-
pecks.

9. It shall not be lawful for any person, under a penalty of two dollars for each offence, to use any bushel, half bushel, peck or half-peck, or quarter-peck measure, unless the same be of the dimensions following, to be measured from inside to inside, to wit: every bushel measure shall not be less than fifteen and a quarter inches in diameter at the top, fourteen and a half inches in diameter at the bottom, twelve inches and three-eighths of an inch deep, and the staves three-fourths of an inch in thickness; every half-bushel measure shall not be less than twelve and one-half inches in diameter at the top, eleven and one-half inches in diameter at the bottom, nine and one-half inches deep, and the staves at least one inch thick; every peck measure shall not be less than ten inches in diameter at the top, nine and one-quarter inches in diameter at the bottom, seven inches and five-eighths of an inch deep, and the staves three-quarters of an inch thick; every half-peck measure, when joined to the peck, shall not be less than eight inches and five-eighths in diameter at the top, and nine inches and an eighth of an inch in diameter at the

bottom, four and one-half inches deep, and the staves five-eighths of an inch thick ; and every half-peck measure, when made separate from the peck, shall not be less than nine inches and one-eighth of an inch in diameter at the top, eight inches and five-eighths of an inch in diameter at the bottom, four and one-half inches deep, and the staves five-eighths of an inch thick ; every quarter-peck measure shall not be less than six inches and an eighth of an inch in diameter at the top, and five inches and seven-eighths of an inch in diameter at the bottom, four and three-quarters inches deep, and staves one-half of an inch thick.

City Code, (1879) Art. 28, Sec. 27. City Code, (1893) Art. 28, Sec. 39.

10. All weights and measures used within the city of Baltimore in the vending of articles, shall be inspected and stamped, or branded by said standard keepers, under a penalty of not exceeding twenty dollars, to be paid by the person or persons owning or using the same, and when adjusted, shall be by the said standard keepers, branded or stamped with the letters "B. S.," meaning thereby Baltimore Standard, in such manner and on such parts of the said weights and measures as in their judgment shall be most lasting and effectual in preventing and detecting fraudulent practices or impositions in the use of such weights or measures, and the like inspection shall be repeated once in every year, and the branding or stamping renewed when necessary, and such weights and measures, so examined and stamped, or branded as aforesaid, and no other, shall be used in the city of Baltimore in the vending of such articles as are directed by law to be or are usually sold by weight or measure, under a penalty not exceeding twenty dollars.

Weights and
measures to
be inspected
and stamped.

City Code, (1879) Art. 28, Sec. 28. City Code, (1893) Art. 28, Sec. 40.

11. All dry measures shall be inspected and branded agreeably to the provisions of the next preceding section, except that in lieu of the letters "B. S.," they shall be

Dry measures.
how branded.

branded with words, "Baltimore Standard"; and any person or persons convicted of counterfeiting said brand, or of branding on any measure any other letters for the purpose of deception, shall forfeit and pay for every such offence ten dollars.

Penalty.

City Code, (1879) Art. 28, Sec. 29. City Code, (1893) Art. 28, Sec. 41.

Scale beams
to be
inspected and
stamped.

12. All scale beams used in the vending of articles in the city of Baltimore, shall be inspected and stamped by the keeper of the standards of weights as weights are directed to be stamped; and any person offending herein shall forfeit and pay a sum not exceeding twenty dollars for each and every offence.

City Code, (1879) Art. 28, Sec. 30. City Code, (1893) Art. 28, Sec. 42.

Patent
balances,
platforms or
scales to be
inspected
and stamped.

13. All patent balances, platforms or scales used in the said city for weighing by venders of articles, shall be inspected and stamped or branded by the keeper of the standards of weights and measures, as is provided for with regard to weights and other scales or balances, and upon the weights used in weighing therewith by having stamped upon them the letters "B. S.", in such manner and on such part thereof as in the judgment of the standard keeper of weights and measures will be most lasting and effectual in preventing and detecting fraudulent practices or impositions in the use thereof, and the like inspection shall be repeated once in every year, and the branding renewed when necessary; and every person using a patent balance, platform, or scales in the city, not stamped as herein directed, shall forfeit and pay a sum not exceeding twenty dollars for each and every such offence.

City Code, (1879) Art. 28, Sec. 31. City Code, (1893) Art. 28, Sec. 43.

When to be
condemned.

14. If upon examination, the standard keeper of weights and measures shall find any patent balance, platform or scales untrue, it shall be condemned by him, whereupon he shall stamp or brand upon it the word "CONDEMNED"; and any person or persons who shall

afterwards use such condemned patent balance, platform or scales, until the same have been re-adjusted, stamped and branded by the keeper of the standards of weights and measures, shall each forfeit and pay for each offence, Penalty. a sum not exceeding twenty dollars.

City Code, (1879) Art. 28, Sec. 32. City Code, (1893) Art. 28, Sec. 44.

15. If any weight or measure which shall have been Use of injured or condemned weights or measures. branded or stamped, agreeably to the provisions of sections 10 to 14, inclusive, of this Article shall be broken, injured, altered or changed, or condemned by the standard keepers and found thereafter in the use of any person within the city of Baltimore, every such person shall forfeit and pay twenty dollars for every such offence.

City Code, (1879) Art. 28, Sec. 33. City Code, (1893) Art. 28, Sec. 45.

16. The standard keepers shall respectively have and receive as a compensation for the discharge of the duties required of them, the following sums, to wit;—For every bushel measure, eighteen cents; for every half bushel, peck and half-peck measure, twelve cents; for every five gallon measure, twelve cents; for every half-gallon, quart, pint, half-pint, gill or half-gill measure, six cents; for every fifty-six pounds or fifty pounds weight, six cents; for every twenty-eight, twenty-five, fourteen or seven pounds weight, five cents, for every set of weights, from four pounds to half an ounce, twenty-five cents; for every single weight under seven pounds, four cents; for every yard measure, six cents; for stamping every scale beam not exceeding eighteen inches, twelve cents; if above eighteen inches, twenty-five cents; for inspecting patent balances, platforms or scales, with their weights, which weigh less than one hundred pounds, fifty cents; if over one hundred pounds and less than one thousand pounds, seventy-five cents; if above one thousand pounds, one dollar; and all patent balance platforms, or other patent weighing apparatus, shall be tested to the amount of the capacity which they are calculated to weigh. Compensation of standard keepers.

City Code, (1879) Art. 28, Sec. 34. City Code, (1893) Art. 28, Sec. 46.

Weights and
measures to
be annually
inspected.

17. It shall be the duty of the keeper of dry and long measures and the keepers of the standards of weights and liquid measures, to inspect all articles which are provided for to be inspected by them, once a year, and no oftener.

City Code, (1879) Art. 28, Sec. 35. City Code, (1893) Art. 28, Sec. 47.

Penalty.

18. For a violation of the provisions of the next preceding section, the keeper so violating shall, on conviction thereof before any Justice of the Peace, forfeit and pay the sum of twenty dollars for each and every violation, half of the fine to go to the informer.

Res. 11, March 11, 1895.

Keepers to
wear badges.

19. The keeper of dry and long measures and the keepers of the standards of weights and liquid measures shall each wear an appropriate badge to designate his office when making his inspections.

City Code, (1879) Art. 28, Sec. 36. City Code, (1893) Art. 28, Sec. 48.

Duties of
keepers of
standards.

20. The keepers of the standards of weights and measures shall attend at the different markets, warehouses, stores and shops within the city, at least once in each and every year, as provided in sections 17 and 18 of this Article, and shall inspect and adjust all beams and scales, weights and measures therein used or intended to be used; and each of them shall keep a book in which he shall register the names of the persons whose beams and scales, weights and measures he has so adjusted, together with the day of the month and year, and the number and description of the same so adjusted, which book he shall submit to the inspection of the Mayor once in every year, or oftener, if the Mayor shall require it.

City Code, (1879) Art. 28, Sec. 37. City Code, (1893) Art. 28, Sec. 49.

Penalty for
refusing to
have beams,
scales and
measures
inspected.

21. If any person or persons shall refuse or neglect to have his, her or their beams and scales, weights and patent balances, and measures, inspected and adjusted as provided

in the next preceding section, when required so to do by the proper officer, he, she or they shall forfeit and pay five dollars for every day during such delinquency; and if any of the said keepers, or any of the clerks of the markets, are informed or have reason to suspect that any person or persons are using or have in their possession, with a fraudulent intention, any false beams, scales, weights, patent balances or measures, it shall be their duty, and they are hereby authorized to examine the same, and if they find them, or either of them, false, to seize the same as a forfeiture, and after having the same adjusted, to sell them at public auction.

City Code, (1879) Art. 28, Sec. 38. Ord. 9, February 12, 1881. City Code, (1893) Art. 28, Sec. 50.

22. It shall be the duty of the keepers of the standards of weights and liquid measures and the keeper of dry and long measures to make monthly returns on oath and to pay all money collected by them to the Comptroller. The City Register shall be authorized and directed to pay the several keepers of the standards of weights and liquid measures and of dry and long measures monthly, by dividing the same equally amongst them and report the same annually to the City Council.

To make
monthly
returns to
Comptroller.

Compensation
of keepers.

Report of City
Register.

City Code, (1879) Art. 28, Sec. 39. City Code, (1893) Art. 28, Sec. 51.

23. Whenever any one of the standard keepers aforesaid, shall be applied unto to adjust scales, weights and measures, by adding to or diminishing the same, or to adjust scale beams or patent balances, he shall be allowed a reasonable compensation therefor, in addition to the fees of office he is hereby authorized to receive.

Additional
compensation.

CHARCOAL.

City Code, (1879) Art. 28, Sec. 40. City Code, (1893) Art. 28, Sec. 52.

24. One person well skilled in the quality and measure of charcoal shall be appointed by the Mayor to measure all charcoal brought to the city of Baltimore for sale; and the said measurer shall with the approbation of the Mayor,

have power to appoint one or more deputies; the said measurer being responsible for the official acts of said deputy or deputies; and the said measurer and each of his said deputies before entering upon the duties of his office shall make oath or affirmation before some officer authorized by law to administer oaths that he will faithfully execute the duties of his office to the best of his knowledge and ability.**

Measurer of
Charcoal.

Deputies

City Code, (1879) Art. 28, Sec. 41. City Code, (1893) Art. 28, Sec. 53.

Stands for
measure-
ment.

25. The Mayor shall designate stands for the measurement of charcoal, and establish such and so many as in his judgment the public convenience may require.

City Code, (1879) Art. 28, Sec. 42. City Code, (1893) Art. 28, Sec. 54.

Charcoal to be
measured.

26. All charcoal brought to the city of Baltimore for sale shall be measured by the person or persons appointed to measure the same, who shall give to the seller a certificate of the quantity thereof; and for each certificate shall be entitled to receive twenty-five cents, if the quantity does not exceed twenty-five bushels; thirty-seven and a half cents, if more than twenty-five and less than fifty bushels; and fifty cents, if more than fifty bushels. It shall not be lawful for any person or persons, except as mentioned in the succeeding section, to sell or offer for sale any charcoal within the limits of the city of Baltimore, without first having the same inspected in accordance with the above provisions, under a penalty of five dollars for each and every offence, to be collected as other fines and forfeitures are collected.

Penalty.

City Code, (1879) Art. 28, Sec. 43. City Code, (1893) Art. 28, Sec. 55.

Retailers
exempt.

27. The retailers of charcoal bringing the same into the city of Baltimore for the purpose of retailing it by the

****NOTE.**—Ordinance 28, March 9, 1896 being invalid did not operate to modify this section. Note decision, *in re*, Hooper *v.* Creager, 84 Md. 256.

The provisions in Article 17 relating to the appointment of a measurer of charcoal and his duties, as well as the provisions therein regulating the sale of charcoal, are practically obsolete owing to the decline of the charcoal industry. There is no specific provision for the appointment of a measurer of charcoal in the City Charter.

bushel or the barrel, shall not be required to have the same measured under the provisions of the next preceding section.

P. G. L., (1904) Art. 97, Sec. 28. City Code, (1879) Art. 28, Sec. 44.
City Code, (1893) Art. 28, Sec. 56.

28. The Measurer of charcoal shall estimate and allow Estimate for each bushel, for each bushel of charcoal measured by him, twenty-seven hundred and forty-eight cubic inches, making full allowance for a cone or heaped measure.

City Code, (1879) Art. 28, Sec. 45. City Code, (1893) Art. 28, Sec. 57.

29. No measurer of charcoal shall, either directly or indirectly, be concerned in the purchase or sale of charcoal, Measurer not to be concerned in buying or selling. under the penalty of twenty dollars for each and every offence.

City Code, (1879) Art. 28, Sec. 46. City Code, (1893) Art. 28, Sec. 58.

30. If any person bringing charcoal to the city for sale, Fraud of vendor. in any wagon, cart or other carriage, shall practice any device or fraud to deceive in quantity, the driver of such wagon, cart or other carriage, shall forfeit and pay ten dollars for each and every offence.

COAL.

City Code, (1879) Art. 28, Sec. 48. City Code, (1893) Art. 28, Sec. 60.

31. It shall not be lawful for any person or persons to How to be sold, sell anthracite or other coal, except bituminous, in any other way than by the ton, half ton, quarter ton, or fraction of a ton, as established by law, which is 2,240 pounds, under a penalty of ten dollars for each and every offence; and should it be deficient in weight at the time of delivery, an additional penalty of ten dollars for each and every offence; provided, that nothing herein contained shall prevent the selling of a single bushel, half bushel or peck of coal.

FIREWOOD.

City Code, (1879) Art. 28, Sec. 49. City Code, (1893) Art. 28, Sec. 61.

How to be sold. **32.** It shall not be lawful for any person or persons to sell, or offer for sale, in any of the streets, lanes, alleys, or highways of the city, any firewood, otherwise than by the cord, half, quarter or eighth of a cord; and every person offending herein, or delivering any quantity or parcel of firewood to a person of less measurement than he has sold or offered for sale, shall for each and every offence pay a fine of five dollars for each load; provided, nothing herein contained shall be so construed as to prevent persons from selling wood by the armful, or loads of chips or brush.

ICE.

City Code, (1879) Art. 28, Sec. 50. City Code, (1893) Art. 28, Sec. 62.

How to be sold. **33.** All ice exposed for sale in the city shall be sold by weight, except in such cases where it may be otherwise agreed upon between the buyer and seller; and it shall be the duty of all sellers of ice to be furnished, at the time of delivery, with a suitable steelyard, balance, or other apparatus for weighing, duly adjusted and stamped, as provided by ordinance, with which to weigh the quantity of ice sold, if required by the buyer.

City Code, (1879) Art. 28, Sec. 51. City Code, (1893) Art. 28, Sec. 63.

Standard weight. **34.** The standard weight of the bushel of ice shall be held and taken at sixty pounds avoirdupois, and of smaller measures in proportion. The penalty for each and every violation of this and the next preceding sections shall be five dollars.

BAKERIES AND CONFECTIONERIES.

Ord. 104, June 10, 1896.

35. There shall be appointed by the Commissioner of Health, pursuant to authority conferred by section 73 of

the City Charter, an Inspector of Bakeries and Confectioneries whose duty it shall be to visit and thoroughly inspect at frequent intervals all bakeries and confectioneries or bake shops or other places for the manufacture of bread, cakes, confectionery and similar food products in Baltimore city, for the purpose more especially of ascertaining their sanitary condition and cleanliness, and for the purpose of ascertaining the purity, healthfulness and wholesomeness of the flour, sugar, butter, lard or other ingredients used in making such bread, cakes, confectioneries and other articles of food offered for sale in the city of Baltimore, or intended for consumption therein, and report to the Commissioner of Health any establishments that he may find not to be in good sanitary and clean condition, or where impure, unhealthy and unwholesome ingredients are used in the making of said articles of food; for any violation of the provisions of this section, the person or persons or corporation, shall on conviction thereof before any Justice of the Peace, or in the Criminal Court of Baltimore City, pay a fine of not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each and every violation.

Inspector of bakeries.

Duties.

Penalty.

Ord. 104, June 10, 1896.

36. Such inspector shall be required to be a practical baker and confectioner.

To be a practical baker and confectioner.

Ord. 104, June 10, 1896.

37. Before entering upon the discharge of his duties said inspector shall furnish a bond for the faithful performance of his duties in the penalty of five thousand dollars (\$5,000), to be approved by the Mayor.

To furnish bond.

Ord. 104, June 10, 1896.

38. Said inspector shall first notify any offenders against the provisions of section 35 of this Article, and if the law be not complied with within two weeks after such notice of violation, then the penalties as provided in said section shall be enforced.

Notice to be given offenders.

Recovery and accounting of fines, forfeitures and penalties imposed herein.

39. All fines, forfeitures and penalties incurred by the violation of any of the provisions of this Article, for the recovery of which no provision has been made herein, shall be recovered as other fines, forfeitures and penalties imposed by ordinance are recoverable, and when collected, shall be paid to the Comptroller.

ARTICLE XVIII.
JONES' FALLS.
ORDINANCES.

- | | |
|--|---|
| 1. City Engineer to prevent obstruction of Falls. | passing out of Falls; penalty; person in charge of vessel violating rules to be liable for penalty hereunder. |
| 2. To notify owners to wall up their property binding thereon; requirements for such work; owners to repair walls. | 5. When bridge-tender to notify vessels to stop; penalty for disregard of such notice. |
| 3. When owners fail to build wall, City Engineer to do so at expense of owners; such expense to be a lien on property so walled. | 6. Bridge-tender to report to City Engineer violations of foregoing rules. |
| 4. Rules for vessels entering, anchoring or mooring in, and | 7. Recovery and accounting of fines and penalties imposed hereunder. |

City Code, (1879) Art. 30, Sec. 10. City Code, (1893) Art. 30, Sec. 3.

Measures to prevent damming of falls.

1. Whenever there is a prospect of an extraordinary rise in the waters of Jones' Falls, so as to threaten an overflow upon the adjacent property, it shall be the duty of the City Engineer, upon receiving information to that effect from any of the residents or property holders in that vicinity, to take prompt and active measures, and employ a sufficient force to prevent the obstruction or damming up of the said waters, and to draw on the City Register, with the approbation of the Mayor, for the amount of any expenses that may be incurred in any such service.

City Code, (1879) Art. 30, Sec. 13. City Code, (1893) Art. 30, Sec. 4.

2. The City Engineer is hereby authorized and directed, whenever he shall deem it necessary, to notify the owner or owners of property binding upon Jones' Falls, within the limits of the city, to have the same walled upon the line of said Jones' Falls, with a good and sufficient stone wall, to such height as the City Engineer may direct, and to have the same backed up or filled with earth, so as to secure such property from inundation by water, and when the same shall have been walled up wholly or in part, to rebuild or repair in a good and sufficient manner any such stone wall.

Notice to owners to have property walled up.

Mayor *v.* Lefferman, 4 Gill 425.

City Code, (1879) Art. 30, Sec. 14. City Code, (1893) Art. 30, Sec. 5.

3. If any person or persons, or body politic, shall refuse or neglect to have any such wall built, rebuilt or repaired, as above provided for, within two months after receiving notice from the City Engineer, as set forth in the next preceding section, it shall then be the duty of the City Engineer, and he is hereby authorized and directed to cause such wall to be built, rebuilt or repaired, as specified in said notice, and the cost thereof shall be a lien upon the property so walled up, repaired or rebuilt, as aforesaid, to be recovered in due course of law from the owner or owners or body politic, so refusing to build, rebuild or repair, after notice as aforesaid.

Duty of City Engineer.

Ord. 129, November 9, 1882. City Code, (1893) Art. 30, Sec. 6.

4. All vessels entering the mouth of Jones' Falls shall be required to enter by the eastern side or channel thereof; and all vessels passing out the mouth of said Falls shall pass out by the western side or channel thereof; and all vessels, excepting steam vessels, passing in or out the mouth of said Falls shall sound a horn to signal the keeper of the drawbridge; and no vessel shall be suffered to be anchored, moored or lie in said stream, within one hundred and fifty feet from the city dock drawbridge; any tugboat entering

How vessels shall enter.

the mouth of said Jones' Falls, shall be required to sound two blasts upon her steam whistle before reaching said mouth; and any tugboat passing out the mouth of said Falls shall in like manner give three blasts of her whistle, and no craft shall attempt to pass the middle of the centre pier of the drawbridge until the said draw shall be fully open, and over the centre of the guard pier. In case of any violation of any of the requirements of this section, the master or person in charge of the vessel, tugboat or other craft so offending, shall be liable to a penalty of five dollars for each and every offence.

Ord. 129, November 9, 1882. City Code, (1893) Art. 30, Sec. 7.

Duties of
bridge-
tender.

5. It shall be the duty of the bridge tender in charge of the city dock drawbridge to notify any barge, flatboat, scow or other mastless vessel, which, in the judgment of said bridge-tender, shall be so loaded that said barge or other vessel cannot pass under the drawbridge without risk of injury to said bridge, to stop until the draw of said bridge can be opened for the passage of said vessel. Any master or other person in charge of any such barge or other vessel who, when so notified by the bridge-tender, shall refuse or fail to stop as aforesaid, shall be liable to a fine of five dollars for each and every offence.

Ord. 129, November 9, 1882. City Code, (1893) Art. 30, Sec. 8.

Bridge-tender
to report
violations
to City
Engineer.

6. It shall be the duty of the bridge tender to report all violations of the two next preceding sections of this Article to the City Engineer.

Recovery and
accounting of
fines, for-
feitures and
penalties
imposed
herein.

7. All fines and penalties incurred by the violation of any of the provisions of this Article, for the recovery of which no provision has been made herein, shall be recovered as other fines, forfeitures and penalties imposed by ordinance are recoverable, and when collected, shall be paid to the Comptroller.

ARTICLE XIX.

JURORS.

ORDINANCES.

- | | |
|---|---|
| 1. Clerks of the several courts to furnish to City Register, after discharge of jurors, list of | names of such as have served as jurors ; what list shall show in addition to names. |
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City Code, (1879) Art. 31, Sec. 1. City Code, (1893) Art. 31, Sec. 1.

1. The clerks of the several courts of this city are requested to furnish to the City Register, as soon as they can conveniently do so, after the discharge of the jurors, who have served as such in any of the said courts, a list of the names of such jurors, showing the number of days each juror has attended as a juror, the term in which said service was rendered, and the amount due each juror.

Clerks to furnish names to City Register.

ARTICLE XX.

LAMPS AND LIGHTING.

ORDINANCES.

Superintendent of Lamps and Lighting.

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| 1. Bond of Superintendent. | him ; to erect new lamp pillars upon proper application to him. |
| 2. His subordinates and their salaries. | |
| 3. His powers and duties ; to regulate lighting and cleaning of lamps ; to repair same ; to require District Superintendents of Lamplighters to report to | 4. To order gaslight company to lay mains ; to keep record of mains laid and report to City Council ; to take statements of meters in city buildings and of street lamps ; to certify gas bills ; general supervision of meters and apparatus. |

5. May change gasoline to gas lamps.
17. To place names of streets on lamps.

Inspection of Meters.

6. Superintendent to test, stamp and mark all meters.
7. To purchase all necessary testing apparatus.
8. To inspect meters on request of consumer; inspection fee; liability of gas company for said fee if meter incorrect; allowance for variation in meter; appeal from decision of superintendent; referee.
9. New meters to be inspected before installation; inspection fee; penalty for installing meter without inspection.
10. No meter not stamped to be set.
11. Discontinued meters to be re-inspected; re-inspection fee; penalty for use without re-inspection.
12. To visit premises of, and instruct consumer in regard to meter; fee.
13. To record all tests of meters, etc., and make annual report thereof to Mayor and City Council.
14. Penalty for counterfeiting seal or stamp of Superintendent.
18. Names to be placed on new lamps when erected.
19. Shades over street lamps close to houses; permit therefor.
20. Such shades not to interfere with lighting of streets.
21. Shades to be placed under supervision of Superintendent; to be removed on notice from him; no charge for permit.

Location of Electric Lamps.

22. Power of Superintendent to change location of same when necessary.

District Superintendents of Lamplighters.

23. Their duties; hours for lighting lamps; police to report failures to light and and extinguish lamps; penalty for neglect of duty by said Superintendents; reports of condition of lamps, etc., by Superintendents; further duties.

Assistant Superintendent of Lamps and Lighting.

15. To make contracts for lamps, pillars and repairs; to advertise for sealed proposals; burners to be approved by Superintendent.
16. Forfeit clause in contracts for lighting; penalty for unlighted lamps.
24. His appointment; to be a practical chemist; not to be interested in manufacture of gas, oil or other illuminants; to serve as inspector of gas and oils or other illuminants; his bond; oath.
25. To make inspections and tests of gas and oils; to take samples; penalty for persons obstructing him; coal oil test; to report weekly to Superintendent of Lamps and Lighting.

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|---|--|
| <p>26. Where gas shall be tested ; testing apparatus to be installed where judgment of Superintendent of Lamps and Lighting shall dictate.</p> <p>27. Penalty for persons or companies furnishing inferior gas ; proviso where cause unavoidable.</p> | <p>28. Requirements for flash test and density of illuminating oils ; penalty for sale or gift of inferior oils.</p> <p>29. Use of lighter oils for other purposes not prohibited.</p> <p>30. Recovery of fines and penalties imposed hereunder.</p> |
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SUPERINTENDENT OF LAMPS AND LIGHTING.

Ord. 100, October 23, 1878. City Code, (1879) Art. 28, Sec. 9. City Code, (1893) Art. 28, Sec. 1. Ord. 28, March 9, 1896.

1. The Superintendent of Lamps and Lighting before entering upon the discharge of his duties, shall give bond and security, to the satisfaction of the Mayor, in the penal sum of five thousand dollars (\$5,000) conditioned for the faithful discharge of the duties of his office.

Bond of Superintendent of Lamps and Lighting.

Ord. 46, April 28 1884. Ord. 46, April 15, 1890. City Code, (1893) Art. 28, Sec. 9. Ord. 13, October 23, 1903. Ord. 159, November 29, 1904.

2. The salaries of the assistants, clerks and employes under the Superintendent of Lamps and Lighting when appointed by him shall be as follows: Assistant Superintendent of Lamps and Lighting, fifteen hundred dollars (\$1500) per annum; seven District Superintendents of Lamplighters, six hundred and fifty dollars (\$650) each, per annum; Inspector at Large, nine hundred and thirty-six dollars (\$936) per annum; Inspector of Electric Meters, six hundred and fifty dollars (\$650) per annum; Inspector of Gas and Illuminating Oils, ten hundred and forty dollars (\$1040) per annum; Inspector of Gas Meters, nine hundred and thirty-six dollars (\$936) per annum; Collector of Meters and Oils, including horse and wagon nine hundred and thirty-six dollars (\$936) per annum; clerk, stenographer and typewriter, nine hundred dollars (\$900) per annum.

Salaries of subordinates under Superintendent of Lamps and Lighting.

Ord. 104, April 24, 1880. City Code, (1893) Art. 28, Sec. 3.

Duties of
Superintend-
ent of Lamps
and
Lighting.

3. The Superintendent of Lamps and Lighting shall regulate the lighting and cleaning of the city lamps and see that they are kept in proper repair; he shall have supervision of the District Superintendents of Lamplighters and shall require them to report to him, at such times as he may designate, the condition of the lamps and the transactions of the lamplighters; he shall erect new lamp pillars and lamps for lighting the streets, lanes and alleys of the city, and remove any lamp pillar and lamp, whenever and wherever, in his judgment, the convenience and necessity of the public may require the same, upon proper application in writing being made to him.

To erect lamp
pillars.

American Lighting Co. v. McCuen, 92 Md. 709.

Ord. 100, October 23, 1878. City Code, (1893) Art. 28, Sec. 4.

Duties in
relation to
gaslight
companies
and inspec-
tion of
meters.

4. He shall order the gaslight company or companies to lay mains as directed by the Mayor and City Council of Baltimore, and keep a correct account of the length and size of the same; he shall require, and it shall be the duty of the said gaslight company or companies, to furnish him, monthly, a correct account of the number of feet of gas mains laid by order of the Mayor and City Council of Baltimore, with the cost price of the same; and he shall report annually to the City Council the number of feet of gas mains laid by said company or companies, by order of the Mayor and City Council of Baltimore; or if said company or companies shall have neglected or refused to lay the gas mains ordered by the Mayor and City Council of Baltimore, he shall report such neglect or omission to the City Council; he shall take monthly statements of the meters in all public buildings occupied by the city, and of the market-house meters, and shall also take monthly statements of the street lamps, and ascertain the correct average; and no bill for gas furnished to the city shall be paid by any department of the city unless the same shall have been certified to as correct by him; and he shall have general supervision of the meters and gas apparatus in the different departments of the city.

Ord. 100, October 23, 1878. City Code, (1893) Art. 28, Sec. 5.

5. He shall have power to change gasoline lamps to gas lamps when in his judgment the same may be deemed necessary. May change gasoline to gas lamps.

Inspection of Meters.

City Code, (1879) Art. 28, Sec. 3. City Code, (1893) Art. 28, Sec. 6.

6. It shall be his duty, whenever required in writing, and on the pre-payment of a fee hereinafter specified, to inspect, examine, test prove and ascertain the accuracy of the registration of any and all gas meters, used or intended to be used for measuring or determining the quantity of carburetted hydrogen or illuminating gas, consumed by any person or persons in this city; and when proved to be or made correct within the meaning of this ordinance, to stamp, seal or mark all such meters, and each one of them, with some appropriate, distinct and intelligible device, to be approved by the Mayor. Shall test stamp and mark meters.

City Code, (1879) Art. 28, Sec. 4. City Code, (1893) Art. 28, Sec. 7.

7. He is authorized to purchase for the use of the city such apparatus as will be required by him for the proving, testing and accurate registration of gas meters in use in the city of Baltimore. May purchase apparatus.

City Code, (1879) Art. 28, Sec. 5. City Code, (1893) Art. 28, Sec. 8.

8. He shall, with said apparatus, inspect and prove the gas meter of any consumer, at his written request, and in his presence if he so desire, upon the payment in advance to him of the sum of one dollar for each and every meter removed from the premises, proved, tested, sealed and replaced; and if any meter on being so tested shall be found to register inaccurately as defined by this section to the injury of the consumer, the fee paid by said consumer shall be returned, and a like amount shall be paid to the Superintendent of Lamps and Lighting by the gas company, To inspect meters.

person or persons whose manufacture of gas has been consumed, as a remuneration for the removal, testing, correcting, sealing and replacing of such meters; and every such meter shall be considered correct, and sealed accordingly, which shall register quantities varying from the true standard measure of gas if not more than two per centum in favor of either the company or the consumer; the apparatus used, and the mode of testing practised to be approved by the Superintendent of Lamps and Lighting; and in all cases in which an appeal from his decision as to the accuracy of any meter tested shall be made, such case shall be referred to and adjudged by a suitable person to be appointed by the Mayor, and whose decision shall be final.

City Code, (1879) Art. 28, Sec. 6. City Code, (1893) Art. 28, Sec. 10.
Ord. 208, February 21, 1905.

Inspection of
new meters.

Fee.

Penalty.

9. It shall not be lawful for any new meter to be furnished or put in use in the city of Baltimore by any gas company unless the said meter has been inspected by the Superintendent of Lamps and Lighting, and if proved to be correct, sealed and stamped by said Superintendent; and for said inspecting and sealing the company shall pay the said Superintendent of Lamps and Lighting, for the use of the city, the sum of ten cents for each and every new meter so inspected and stamped by him, to be made at the office of the Superintendent of Lamps and Lighting. Any gas company, convicted before a Justice of the Peace for violation of the provisions of this section, shall forfeit the sum of ten dollars for each and every day that any one of said meters is allowed to be continued in use after a notice ordering its discontinuance has been served upon such company by the Superintendent of Lamps and Lighting.

Baltimore City *v.* Consolidated Gas Co., 99 Md. 940.

City Code, (1879) Art. 28, Sec. 7. City Code, (1893) Art. 28, Sec. 11.

No meter not
stamped to
be set.

10. No meter shall be set unless it be sealed and stamped in the manner required by the next preceding section.

City Code, (1879) Art. 28, Sec. 8. City Code, (1893) Art. 28, Sec. 12.
Ord. 86, May 31, 1904. Ord. 208, February 21, 1905.

11. Whenever any gas meter in the city of Baltimore shall have been discontinued, or shall have been removed from the premises upon which it has been located, for the purposes of testing, repairing, resetting or otherwise, it shall be unlawful for such gas meter to be again put in use in the city of Baltimore by any gas company, either upon the same premises from which it has been so removed, or elsewhere, unless the said meter has been re-inspected by the Superintendent of Lamps and Lighting, and, if proved to be correct, re-stamped, by said Superintendent; and for said re-inspecting and re-stamping the company shall pay said Superintendent of Lamps and Lighting for the use of the city, the sum of ten cents for each and every meter so re-inspected and re-stamped as aforesaid, said inspections to be made at the office of the Superintendent of Lamps and Lighting. Any gas company convicted before a Justice of the Peace of the violation of the provisions of this section shall forfeit the sum of ten dollars, and the further sum of five dollars for each and every day that any one of said meters is allowed to be continued in use, after a notice ordering its discontinuance has been served upon such company by the Superintendent of Lamps and Lighting.

Discontinued
meters to be
re-inspected.

Fee.

Penalty.

Baltimore City *v.* Consolidated Gas Co., 99 Md. 540.

City Code, (1879) Art. 28, Sec. 9. City Code, (1893) Art. 28, Sec. 13.

12. It shall be his duty, whenever he receives a written request to do so, to visit the meter on the premises of any consumer of gas, and impart to such consumer such instructions relating to the proper manner of regulating the meter, or filling it with water or spirits, as desired, for which services the consumer shall pay to him the sum of twenty-five cents.

Superintend-
ent to visit
premises of
consumer.

City Code, (1879) Art. 28, Sec. 10. City Code, (1893) Art. 28, Sec. 14.

13. He shall enter in a book prepared for him for that purpose, the date of testing, number, size, name of manu-

Record data
and make
annual
report.

facturer, and registration of any meter proved and sealed, or condemned as aforesaid, and the number of premises visited for giving instruction, and shall make a full report thereof annually to the Mayor and City Council of Baltimore.

City Code, (1879) Art. 28, Sec. 11. City Code, (1893) Art. 28, Sec. 15.

Counterfeiting
of seal.

14. If any person or persons shall counterfeit, or wilfully deface the seal placed upon any gas meter by the Superintendent of Lamps and Lighting or any of his subordinates, or who shall place a seal on a new or repaired meter which has been removed from a discontinued meter, the person or persons so offending, on conviction before a Justice of the Peace, shall forfeit and pay the sum of ten dollars.

Lamps, Posts and Pillars.

City Code, (1879) Art. 47, Sec. 84. Ord. 104, April 24, 1880. Ord. 81, May 28, 1889. City Code, (1893) Art. 28, Secs. 3, 16. City Code, (1893) Art. 48, Sec. 95.

Contracts for
lamps, pillars
and repairs.

15. The Superintendent of Lamps and Lighting shall make all contracts for the furnishing, construction, erection, repair or removal of all street lamps and lamp pillars, and all such contracts shall be made according to the provisions of sections 14 and 15 of the City Charter; at least sixty days prior to the expiration of any contract, it shall be the duty of the Superintendent of Lamps and Lighting to advertise in accordance with section 14 of the City Charter for sealed proposals for keeping in repair and furnishing all the material required for the street lamps of the city; the burners for such lamps shall not be confined to any particular patent, and shall be approved by the Superintendent of Lamps and Lighting.

Ord. 81, May 28, 1889. City Code, (1893) Art. 28, Sec. 18.

Forfeit clause
in contract.

16. There shall be inserted in the specifications of all contracts hereafter made for keeping in repair and furnishing all the material required for gas and gasoline

street lamps of the city a clause containing a stipulation imposing a fine at the rate of double the amount of the contract price per lamp per night, for each and every night any lamp may not be in proper condition for lighting purposes.

City Code, (1879) Art. 47, Sec. 86. City Code, (1893) Art. 48, Sec. 97.

17. The Superintendent of Lamps and Lighting is hereby authorized and directed to have the names of the streets painted on frosted glass set in a tin frame, and placed inside of all the lamps at the corners of streets throughout the city.

Names of
streets on
lamps.

City Code, (1879) Art. 47, Sec. 87. City Code, (1893) Art. 48, Sec. 98.

18. When a new lamp shall be erected on the corner of any streets, the said Superintendent shall have the names of the streets placed on the lamp, in accordance with the next preceding section.

New lamps.

Ord. 68, June 26, 1900, Sec. 1.

19. The Superintendent of Lamps and Lighting is authorized and directed to issue on application, permits for the placing of screens or shades over portions of street lamps when the same are situated so close to dwelling houses as in his judgment to be a special annoyance to the occupants of such houses.

Permission to
place shades
over street
lamps.

Ord. 68, June 26, 1900, Sec. 2.

20. In no case shall it be lawful for persons obtaining such permits to place any screens or shades on or about any street lamp in such manner as to interfere with the full and proper lighting of the streets, alleys, lanes or sidewalks.

Lighting of
streets must
not be inter-
fered with.

Ord. 68, June 26, 1900, Sec. 3.

21. The placing of all such screens or shades over street lamps shall be done under the supervision and direction of the Superintendent of Lamps and Lighting, and

Shades may be
removed by
Superintend-
ent.

shall be removed upon notice from the Superintendent of Lamps and Lighting ; no charge or fee shall be made for the issuing of such permits.

Location of Electric Lamps.

Ord. 161, May 17, 1882. City Code, (1893) Art. 48, Sec. 184.

22. The Superintendent of Lamps and Lighting is empowered to change the location of any of the electric lamps, wherever in his judgment it is necessary for a more full and efficient lighting of any of the streets, lanes and alleys of the city.

DISTRICT SUPERINTENDENTS OF LAMPLIGHTERS.

Res. 8, February 28, 1887. Ord. 83, June 19, 1888. Res. 118, April 28, 1891. City Code, (1893) Art. 48, Sec. 102. Ord. 32, March 9, 1896.

23. The District Superintendents of Lamplighters shall be assigned by the Superintendent of Lamps and Lighting to their respective districts to be laid out by him, and they shall superintend the lighting and cleaning of the city lamps, and keeping the same in repair under the supervision and direction of the Superintendent of Lamps and Lighting; and it shall be the duty of the Superintendent of Lamps and Lighting to prepare and have printed on cards by the twentieth of each month, the hours when the city lamps shall be lighted and extinguished for the ensuing month, one of which cards shall be furnished to each captain, lieutenant and sergeant of police and to the district superintendents of lamplighters ; and when lamplighters are employed by the city it shall be the duty of said district superintendents of lamplighters to instruct them as to the hours when they shall light and extinguish the lamps ; the captains, lieutenants and sergeants of police shall report to the Superintendent of Lamps and Lighting all failures to light and extinguish the lamps at the proper time in their respective beats, and in all cases where the lamps belonging to the city shall be broken and not properly repaired ; and the Superintendent of Lamps and Lighting

shall have power to suspend or remove for neglect of duty, as in his judgment the case may require, any of said appointees; and the said district superintendents of lamp-lighters shall report to the said Superintendent of Lamps and Lighting at such times as he may require, the condition of the lamps and the transactions of the lamplighters. The said district superintendents shall be governed by such other and further rules and regulations as may be prescribed by the Superintendent of Lamps and Lighting.

Suspension
and removals.

Reports by
superinten-
dents.

Further du-
ties.

ASSISTANT SUPERINTENDENT OF LAMPS AND LIGHTING.

Ord. 35, April 1, 1881. City Code, (1893) Art. 28, Sec. 20.

Ord. 28, March 9, 1896.

24. There shall be appointed, pursuant to authority conferred by section 204 of the City Charter, as Assistant Superintendent of Lamps and Lighting, some suitable, experienced and competent person, known as a practical chemist, who is not a stockholder in nor an employe of any gas company, or interested in any way in the manufacture of illuminating gas in the city, and who is not a stockholder in nor an employe of any company engaged in the manufacture of kerosene oil or fluids made from petroleum or its products, which are used for illuminating purposes, or are offered for sale in the city of Baltimore, or interested in any way in such manufacture, to serve as inspector of illuminating gas, oils, etc., to inspect illuminating gas, such as is now furnished by the Consolidated Gas Electric Light and Power Company of this city, or such as may be furnished by any company, person or persons hereafter for public use, and also as inspector of kerosene oil or fluids made from petroleum or its products which are used for illuminating purposes, who, before he enters upon the discharge of his duties, shall give bond with approved securities, to the satisfaction of the Mayor, in the penal sum of one thousand dollars (\$1,000), conditioned for the faithful discharge of the duties of the office, and to take an oath or affirmation to faithfully, diligently and impartially discharge the duties of the office.

Appointment
of Assistant
Superintend-
ent of Lamps
and Light-
ing.

Ord. 99, May 27, 1890. City Code, (1893) Art. 28, Sec. 21.

To make inspections and tests of gas and oils.

25. It shall be the duty of said inspector to inspect, test and determine the illuminating power and purity of the illuminating gas furnished by any gas company, person or persons, for public use in the city of Baltimore; and it shall also be the duty of the said inspector to collect, from time to time, from each and every place in the city wherein is bartered, given, sold or offered for sale, in quantities less than a barrel, any of the oils or products of petroleum mentioned in this Article, samples of the same in quantities of not less than one-half pint from each lot; and any person or persons refusing to comply with the demand of said quantity as a sample for test, shall be subject to a fine of ten dollars for each and every day of said refusal; said oil to be examined by Tagliabue's open coal oil tester, or some other instruments constructed upon the same principle, and to determine the flashing point of each and every sample, and the density of each, and to report to the Superintendent of Lamps and Lighting, in writing, weekly, the condition of the illuminating gas, as to its purity and illuminating power, together with the flashing point and density of the samples of coal oil collected.

Ord. 35, April 1, 1881. City Code, (1893) Art. 28, Sec. 22.

Where gas shall be tested.

26. The quality of the illuminating gas supplied by any gas company, person or persons in the city of Baltimore, for public use, shall be determined at the place or places where the Superintendent of Lamps and Lighting, in his judgment, may deem it best to place the necessary apparatus.

Ord. 35, April 1, 1881. City Code, (1893) Art. 28, Sec. 23.

Penalty for inferior gas.

27. If the illuminating gas supplied by any gas company, person or persons, for public use in the city of Baltimore, shall be at any time of less illuminating power or of less purity than according to the standard established by section 462 of the City Charter, it shall be so reported by the inspector, and the company, person or persons,

supplying the same, shall be subject to a penalty of one hundred dollars for each and every day during which such violation shall continue; provided, however, that if it shall appear that such deviation from the above-named standard could not have been prevented by ordinary care and prudence, but was occasioned by some unavoidable cause, then the said penalty shall not be enforced while such unavoidable cause shall continue.

Ord. 35, April 1, 1881. City Code, (1893) Art. 28, Sec. 24.

Ord. 197, 24, April 25, 1899.

28. It shall not be lawful for any person or persons or firm to barter, give, sell or offer for sale within the limits of the city of Baltimore any oil or fluid made from petroleum or its products, and which is used for illuminating purposes, which will flash or give off an inflammable vapor below 120 degrees Fahrenheit, or have a density below 48 degrees Beaume; and any person or persons or firm violating any of the provisions of this section shall forfeit and pay for each and every offence a fine of not less than five dollars nor more than twenty dollars.

Requirements
as to flashing
point and
density of
oils, etc.

Penalty.

Ord. 197, April 25, 1899.

29. Nothing in the next preceding section of this Article shall be so construed as far as the testing and flash test and density are concerned, as to interfere with the sale of gasoline or the lighter products of coal oil or petroleum sold as such and used for street, lawn or market-house illumination, or for the purpose of cooking, or for other uses than illumination.

Does not pro-
hibit other
uses.

30. All fines, forfeitures and penalties incurred by the violation of any of the provisions of this Article shall be recovered as other fines, penalties and forfeitures imposed by ordinance are recoverable, and when collected shall be paid to the Comptroller.

Recovery of
fines, forfeit-
ures and pen-
alties.

ARTICLE XXI.
LIBRARIAN.
ORDINANCES.

**Perishable and Movable City
Property.**

1. Heads of departments and city officials in charge of such property to furnish list thereof to City Librarian; exception.
2. City Librarian to have said lists copied in book.
3. List to be filed annually by parties in charge of such property or when they shall vacate office; such party to turn over property to his successor in office, or to a person designated by the Mayor; when vacancy caused by death, successor or other person designated to take possession of property.
4. Comptroller to annually examine said lists to see that property is accounted for; Comptroller to report to City Solicitor when property not accounted for; City Solicitor to proceed in recovery of same.

Assistant Librarian.

5. Bond; oath of office.

**Pictorial Collection Showing
Growth and Development
of City.**

6. City Librarian to make collection of pictures, etc., of features of city; to arrange same to show growth and development of city.
7. To acquire said pictures, etc., by gift or otherwise, after approval by such boards or commissions as the Mayor may designate.
8. To have principal sections of city, etc., and natural and artificial features photographed every ten years for said collection.
9. To maintain and develop said collection so as to preserve pictorial history of city.

PERISHABLE AND MOVABLE CITY PROPERTY.

Ord. 35, March 5, 1900.

Inventory of
perishable
and mov-
able property
to be fur-
nished to
City Libra-
rian.

1. The heads of all departments and all sub-departments, and all municipal officers of the city of Baltimore not embraced in any department provided for in the existing charter of said city, and all special commissions or boards of said city provided for by law or ordinance, and

all municipal officers or employes, and officers or employes of either Branch of the City Council in possession of any perishable or movable property of the city of Baltimore, or to whom the keeping or use or distribution or issue of of any such property is committed by any law or by any ordinance of said city, are directed to immediately prepare a list or inventory of said property, and to file the same with the City Librarian. Where any head of department or other superior officer has in the discharge of his duty to commit the keeping or use of such property to any subordinate officer or employe, the list or inventory of such property is to be included in that filed by such head of department or superior officer, and such subordinate officer or employe need file no list or inventory.

By whom inventory shall be furnished.

Exception.

Ord. 35, March 5, 1900.

2. It shall be the duty of the City Librarian to carefully keep said list or inventory, and to have the same copied into a book or books kept for that purpose.

Duty of City Librarian.

Ord. 35, March 5, 1900.

3. Every person directed by section one of this Article to file a list or inventory shall be responsible for the preservation and safe-keeping of any such property directed to be included in said list or inventory, and shall annually, during his term of office or employment, or on vacating such office or employment, render an account to the Mayor and City Council of Baltimore (and file the same with the City Librarian), of all perishable or movable property of the said city which may be in his possession, or may have come into his possession during his term of office; and on such expiration of a term of office or vacation of office or employment the person who has held or exercised the same shall deliver to his successor, or if there be no successor, to such person as the Mayor shall designate, all of the property of the kind aforementioned, which appears or should appear by the account to be then rendered as above provided, to be in his possession or keeping, and such successor or person, so by the Mayor designated, shall give a

To account to his successor for the property included in his inventory.

Duty of successors in case of death or vacancy.

receipt for the same. In case any such office or employment is vacated by death or by a cause rendering the person who has held the same incompetent to render said account and deliver said property to his successor, or to the person designated by the Mayor, it shall be the duty of such successor or person designated to take possession of such property held by the person so dying or vacating said office or employment, and such person shall thereupon stand charged with and be responsible for said property.

Ord. 35, March 5, 1900.

Duty of Comptroller.

4. It shall be the duty of the Comptroller periodically, and at least once in every year, to examine the lists or inventories filed with the City Librarian under section 3 of this Article, and to see that all property of the kind mentioned in section 1 of this Article is held or properly accounted for by the officer or person to whom the same is committed by law or ordinance, or who may come into possession of the same, and to report to the City Solicitor any failure to account for any of said property, or to properly preserve and use the same, and the City Solicitor shall institute such suit as in his judgment the facts warrant for the recovery of said property, or for the value or damages for the loss thereof or injury thereto, and for any failure to account for the same.

ASSISTANT LIBRARIAN.

City Code, (1879) Art. 32, Sec. 8. City Code, (1893) Art. 32, Sec. 8.

Bond of First Assistant Librarian.

5. The First Assistant Librarian shall give bond to be approved by the Mayor as required by section 198 of the City Charter, with condition for the faithful performance of his duties with such penalty and such security as the City Librarian may deem proper; and before he enters upon the duties of his office he shall take the oath prescribed for the officers of the corporation.

Oath.

PICTORIAL COLLECTION SHOWING GROWTH AND DEVELOPMENT OF CITY.

Ord. 240, April 24, 1905.

6. The City Librarian is authorized and directed to bring all the paintings, etchings, pictures, prints, photographs, etc., of Baltimore city or sections thereof, or streets, docks, plazas and market spaces, towers, railways, bridges, monuments, buildings, and any other natural and artificial features, as may now be in the possession of the city, into a general collection to be so arranged in the City Hall library or other suitable room, as to show the growth and development of the city from the earliest times to the present day.

City Librarian to make collection of paintings, pictures, etc.

Ord. 240, April 24, 1905.

7. The said City Librarian is further authorized to purchase or acquire by gift or otherwise, any other pictures, etchings, paintings, photographs, etc., of Baltimore city for the said collection, after the same have been approved by such boards or commissions, art or historic societies, as the Mayor may designate.

To acquire same by purchase, gift, etc.

Ord. 240, April 24, 1905.

8. In order that the purposes of this pictorial collection may be continued in the future, the said City Librarian shall at periods of ten years hereafter, have such photographs made of the principal sections of the city, principal streets, buildings, monuments, etc., and any natural or artificial features which may have undergone a change in the previous period of ten years, for the said collection.

Photographs of sections, etc., of city to be taken and preserved.

Ord. 240, April 24, 1905.

9. It shall be the duty of the City Librarian to maintain and develop the said collection as time goes on so as to preserve to the city a pictorial history of its ever changing physical aspect.

Collection to be maintained and developed.

ARTICLE XXII.

McDONOGH EDUCATIONAL FUND AND INSTITUTE.

Management of the McDonogh Educational Fund and Institute.

1. Board of trustees of said fund.
2. What property to pass to and vest in board.
3. Number of trustees; vacancies in board; how filled; when Mayor to appoint to board.
4. Majority of board to make by-laws and regulations for management of fund and Institute; powers of board to remove members; other powers; disbursing officer of fund to give bond.
5. Trustees to sell and purchase real estate; to use funds arising

thereout and interest from principal fund; to improve real estate purchased; not to reduce principal sum; to secure same.

6. Support and maintenance of school farm and pupils.
7. Trustees to make full, certified report annually to Mayor and City Council; what report shall show.
8. Records and books of Institute to be open to inspection of Mayor and City Council at all times; Mayor and City Council may appoint committees to inquire into affairs of Institute.

MANAGEMENT OF THE McDONOGH EDUCATIONAL FUND AND INSTITUTE.*

City Code, (1879) Art. 34, Sec. 1. City Code, (1893) Art. 34, Sec. 1.

Trustees.

1. By ordinance No. 68, July 10, 1868, Lawrence Sangston, Joshua Vansant, Albert Schumacher, Robert T. Baldwin, John Donnell Smith, James B. George, H. Clay Dallam, William A. Stewart and William Keyser, of the city of Baltimore, were constituted the Board of Trustees of the McDonogh Educational Fund and Institute.

*NOTE.—See, note relating to McDonogh Educational Fund, City Code, (1879), pages 612, *et seq.*

City Code, (1879) Art. 34, Sec. 2. City Code, (1893) Art. 34, Sec. 2.

2. All the money, stock, securities, investments, prop-^{Property.}erty and estate of every kind and description, with the increment thereon, which has heretofore come into the possession of the city of Baltimore, or which hereafter may come into its possession, or which is now held by any agent, trustees or board of trustees, heretofore created by any ordinance, and which has been or may hereafter be received under the bequests and devises contained in the will of John McDonogh, by the city of Baltimore, shall pass to and be invested in said board of trustees.

City Code, (1879) Art. 34, Sec. 3. City Code, (1893) Art. 34, Sec. 3.

3. The number of trustees shall not be less than seven,^{Number of} nor more than nine, and if at any time they shall be re-^{trustees.}duced to a less number than seven, by death, resignation or removal out of Baltimore city, or otherwise, it shall be the duty of the remaining trustees to fill each vacancy^{Vacancies.} within thirty days after its occurrence, and if they do not fill such vacancy within said period, it shall be the duty of the president of the board to notify the Mayor of the fact of said vacancy, and thereupon it shall be the duty of the Mayor to appoint some person to fill such vacancy or vacancies as often as they may occur in manner aforesaid, and the person so appointed shall be and become one of the trustees to all intents and purposes.

City Code, (1879) Art. 34, Sec. 4. City Code, (1893) Art. 34, Sec. 4.

4. A majority of said trustees shall have power, from^{Powers of} time to time, to enact and make by-laws and rules and^{trustees.} regulations for the management and government of said Fund and Institute; they shall also have power to remove any one of their own number who in the opinion of the majority of said trustees may be negligent of his duty, or otherwise conduct himself improperly; to elect annually a president, secretary and agent, fix their salaries and prescribe their respective duties, and to remove them at pleasure; to appoint such other officers and servants as

they may deem necessary and proper, according to such rules and by-laws as may be prescribed by them; and any officer or officers, or agent, who shall be appointed to receive and disburse the money of said Fund and Institute, shall, before he proceeds to act as such, enter into bond with such penalty and conditions as may be prescribed by said trustees.

City Code, (1879) Art. 34, Sec. 5. City Code, (1893) Art. 34, Sec. 5.

Sale and purchase of real estate.

5. The said trustees may sell all the real estate situate in the city of Baltimore, heretofore purchased by the trustees of the McDonogh Educational Fund and Institute, and invest the proceeds in real estate in the vicinity of Baltimore, of such dimensions and at such distance from said city as to them may seem most judicious for the purpose of establishing a school farm, as directed under the will of the said John McDonogh, which real estate shall be in fee simple and adapted to agricultural purposes; in addition to the proceeds arising from the sale of the real estate aforesaid, the said trustees are authorized to use all the interest which may accrue from the investment of the sum of five hundred thousand dollars, in the purchase of said real estate and erection of such buildings and improvements thereon as may be necessary for such school farm, until the purchase money of the land and the erection of said buildings shall have been fully paid; provided, nevertheless, that the principal sum of said fund shall at no time be less than five hundred thousand dollars, which the said trustees are required to have well secured at all times.**

City Code, (1879) Art. 34, Sec. 6. City Code, (1893) Art. 34, Sec. 6.

Support and maintenance of school farm and pupils.

6. So soon as the purchase of the real estate and the erection thereon of the buildings mentioned in the preceding section shall have been completed and paid for, the said trustees shall apply the interest issuing from said funds, as well as the interest which may be derived from all other property devised to the city of Baltimore by the

**NOTE.—See *Newbold v. Glenn*, 67 Md. 489.

said John McDonogh, to the support and maintenance of said school farm, and the expenses incident to the proper instruction and education of the youth directed by said will of said John McDonogh.

City Code, (1879) Art. 34, Sec. 7. City Code, (1893) Art. 34, Sec. 7.

7. It shall be the duty of the Board of Trustees to ex- Annual report.
hibit to the Mayor and City Council of Baltimore, annually, a full report in writing of their proceedings during the year, and of the state of the Institute, showing the number and condition of the pupils, and all matters necessary to the full understanding of the affairs and situation of the Institute, which shall be certified by oath or affirmation of the president, secretary and agent, and at least one of the trustees; it shall be accompanied by an account or statement, certified in like manner, showing the receipts and expenditures for the year, and the assets and pecuniary condition of the Institute, and said reports shall be addressed to the Mayor at least ten days before the annual meeting of the City Council in each and every year.

City Code, (1879) Art. 34, Sec. 8. City Code, (1893) Art. 34, Sec. 8.

8. The records, books, accounts, papers, grounds and buildings of the said Institute shall at all times be open to the inspection and examination of the Mayor; and the City Council shall always have power, by resolution or otherwise, to appoint committees of their body to inquire into the affairs of said Institute. Inspection of records.

ARTICLE XXIII.

MARKETS.

ORDINANCES.

PART 1.

GENERAL PROVISIONS RELATING TO MARKETS.

Market Employes.*Assistant Market Masters or Clerks.*

1. Appointment of; their power and authority in markets; to attend at markets and enforce rules of same.

Salaries.

2. Clerks and cleaners of the several markets; Broadway; additional duties of cleaner; Center market; Cross Street; allowance for brooms, etc., used in cleaning Cross Street market hall; further duties of cleaner; Hanover; Hollins market; additional duties and allowance of clerk of Hollins market; Lafayette market; Northeastern market; Lexington market; to be cleaned daily; Richmond market; Canton market.

Duties of Clerks.

3. To prevent sale of unwholesome provisions; to detect short weights; to seize and sell short weight packages; to decide differences and disputes in markets; to try scales and measures; to seize and

destroy false weights and measures; to penalize users of same; disposition of penalty; to collect stall, etc., rents.

4. To cause dirt, filth and snow to be removed from markets; to wash off all filth from pavements and gutters of fish markets; penalty for neglect of clerk.
5. Bond; conditions of bond.
6. Amounts of bonds required of the clerks of the respective markets.
7. Comptroller to see to sufficiency of bonds; to examine accounts of clerks and collect deficiencies.
8. To make repairs up to fifty dollars.
9. To prevent idle and disorderly persons from frequenting markets; fine for such offenders.
10. Penalty for resisting or obstructing clerks.

Halls over Market Houses.

11. Not to be rented for balls or soirees.

Licenses and Rents.

12. "For rent" notice on unrented stalls.
13. Clerks to fix rents of stalls not enumerated in this Article; street stall rents.
14. Mayor to cause movable stalls to be erected and placed in markets; clerks to rent same to venders; penalty for injuring stalls in markets.
15. Clerks to collect per diem rents; to render account for same under oath; to pay same to Comptroller monthly.
16. Payment by dealers for use of stalls; butchers and bacon dealers excepted.

License Certificates and Licenses.

17. Persons renting stalls, etc., to receive for same certificate from clerk; Comptroller to issue license upon approving certificate; what license shall show; Comptroller to keep record of licenses; licenses assignable; license to be evidence of title in licensee; license fee; fee may be increased.
18. Clerks to report monthly to Comptroller certificates granted; penalty for failure of such grantee to procure license; Comptroller to furnish clerks with list of certificate holders who have failed to get license; clerks to collect license fees from such persons.
19. Penalty for use of stalls after non-payment of rent or non-renewal of certificate; clerk to take possession of such stalls.

Vacant Stalls.

20. Public sale of vacant stalls; notice of such sale; proceeds of sale.
21. Clerks to refuse to hire stalls to applicants suspected of offending hereunder; may refuse to rent to persons not intending to occupy stalls.
22. Use of vacant stands or stalls; fee for same; consent of licensee required; proviso as to sale of meats or cooked provisions in Lexington market.

Fish and Crabs.

23. Where same may be sold; penalty for sales elsewhere; sales on Long Dock.

Meal or Flour.

24. License required to sell same in markets; license fee; not to sell in more than one market at same time under such license; to sell from but one cart; penalty; not to apply to farmers or manufacturers.

Plats of Markets, etc.

25. Plats to be provided by Comptroller for his use and for use of clerks of markets.

Police Regulations.

26. Police to attend markets; duty of such police.
27. No water to be drawn from reservoir in Fell's Point market for shipping purposes; penalty.
28. Penalty for injuring, defacing, etc., market houses.

Sales.

29. Penalty for unlicensed sales of meat; proviso as to farmers and licenses of puddings and sausages.
30. Penalty for sales of unsound or unwholesome meats, etc.
31. Scales for provisions, etc., sold by weight; penalty for use of steelyards and false weights.
32. Horses or carriages, etc., not to be taken into markets; slaughtering prohibited therein; not to deposit any filth; penalty.
33. No cows to be taken into markets.
34. Penalty for sales in markets of articles prohibited therein; not to apply to farmers.
35. Fresh meat in pieces less than a quarter to be sold only on butcher stalls.
36. Penalty for sales of wines or liquors in markets.
37. Sales of goods on footways at markets to be made only on permit from Mayor; penalty.
38. Penalty for sale of cows or neat cattle in any streets of city.
39. Head charge on sales of cows or neat cattle; proviso.
40. Penalty for slaughtering calves under four weeks old or under fifty pounds weight.
41. Penalty for sale of goods and merchandise in markets during market hours.

Game and Fish Laws.

42. Framed cards containing game and fish laws to be placed in

markets; penalty for tearing down or defacing cards.

Stalls, Stands and Benches.*Numbers of Stalls., etc.*

43. Comptroller to have renumbered; each stall to have distinct number.
44. Street stalls to have numbers cut in curb.

Use and Construction of Stalls, Stands, Fixtures, Etc.

45. Penalty for erection of permanent structures on outside stalls of market houses; such structures now erected to be removed by owners on notice from clerk; penalty; not to apply to regular market benches; nor to structures in fish markets.
46. Butcher's closets, etc., to be raised above pavement; penalty for failure to raise same.
47. Division line between butchers and occupiers of benches behind shambles; neither of said occupants to hang meat, etc., in the space of the other; penalty.
48. Regulations as to butcher's blocks, etc., butchers to have offal removed; penalty; sales under extended sheds of markets to be so made as not to obstruct purchasers passing; penalty; eave benches not to be extended or enlarged; penalty.
49. Stalls not to be boarded in; penalty; use of canvas protection during market hours permitted.
50. Space required under meat benches and boxes; penalty.

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| <p>51. Cooking in markets prohibited; penalty.</p> <p>52. Fruit dealers may use stalls every day during fruit season.</p> <p>53. Permit from Inspector of Buildings required for painting wood-work on stalls.</p> <p>54. Penalty for painting without permit.</p> <p>55. Swinging signs not to be erected in markets; signs now erected to be removed; penalty.</p> | <p>cles; proviso as to farmers leaving markets; penalty for unlawful use.</p> <p>58. Hours for placing vehicles or articles on streets in markets; removal of same; not to apply to bacon carts; not to permit bacon carts or others to use streets on Sabbath day; penalty.</p> <p>59. Placing horses in markets; penalty.</p> <p>60. Penalty for butchers or venders of meat or vegetables bringing cart or other carriage within market during market hours.</p> <p>61. Footways in markets to be kept open; penalty for obstructing same.</p> |
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Wagons, Etc.

PART II.

PROVISIONS RELATING TO PARTICULAR MARKETS.

Belair Market.

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| <p>62. Limits; footway provisions; clerk to prevent posting of bills and defacing of market property; penalty therefor.</p> <p>63. Rents of stalls and benches.</p> <p>64. Permanent lines to be established by City Engineer.</p> | <p>bills or other injury to hall over said market; penalty for injury to said hall.</p> <p>68. How wagons shall stand in market; clerk to enforce provisions.</p> <p>69. Rent of stalls; additional license fee.</p> |
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Broadway Market.

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| <p>65. Enclosed stands and stands for cooking prohibited therein.</p> <p>66. Penalty for interfering with clerk or cleaner of Broadway market.</p> <p>67. Clerk to prevent posting of</p> | <h4 style="text-align: center;">Canton Market.</h4> <p>70. Comptroller to sell all stalls therein; discretion of Comptroller when bid inadequate.</p> <p>71. Stall rents; butcher stalls; permanent stalls; eave stalls; license fee; when rent to begin; rents payable in advance.</p> |
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72. Limits of market; market days.

Centre Market.

73. New Centre market to become part of market system of city.
74. Market limits.

Cross Street Market.

75. Limits; rights and privileges of occupiers of houses on streets mentioned not to be interfered with; footways not to be obstructed; no stands or benches on footways.
76. Clerk to have charge of, and to clean and light hall over market.
77. Rent of butchers' stalls.

Fell's Point Market.

78. Limits; provisions regarding footways to control.
79. Owners of certain stalls may sell every day except Sunday.
80. Clerk to establish regulations for arrangement of stalls therein.
81. Rents of stalls and benches; rents in fish market.
82. Sales of fish restricted to fish market; penalty for sales elsewhere.
83. Wholesale country produce market; proviso as to stalls therein now used for retailing.
84. All vehicles containing country produce for sale to have free access to market and to streets on both sides thereof; license to use said market for sale of country produce.
85. How produce shall be sold; penalty.

Hanover Market.

86. Market limits; footway provisions to apply.
87. Rents of stalls and benches; rents in fish market.
88. Limits for hucksters of butter, eggs or poultry.
89. Vehicles along eastern half of Hanover street from Conway street to Lombard street; Sharp street to be kept open.

Hollins Market.

90. Limits; provisions regarding footways; vehicles to pass along Schroeder street during market hours.
91. Where vehicles may not be driven during market hours; penalty.
92. Rent of butchers' stalls.

Lafayette Market.

93. Market limits.
94. Authority and duties of clerk; attendance at market.
95. All ordinances and regulations regarding markets generally, to apply.
96. Uniform temporary side shelters to stalls may be erected by owners.

Lexington Market.

97. Limits; proviso regulating wagons, etc., on Pearl and Pine streets on market days; penalty for improperly placing wagons, etc.; proviso^{as} to florists' stalls.
98. Stall rents in market house; rents in fish market.
99. Rental of "space" stalls; license also required.

Northeast Market.

100. Sale of stalls in perpetuity.
101. Rental of stalls; license fee additional; when rent and license to commence; payable in advance; butcher stalls, rent and license.
102. Rent of stalls in south shed; how payable.
103. Rent of stalls in south end of said shed.
104. Limits of market; market days.
105. Licenses for stalls at the four corners of market.

Richmond Market.

106. Limits of market.
107. Rent of butchers' stalls.
108. Clerk may rent stalls to any applicant when unoccupied by owner.

Provisions Applicable to Various Markets.

109. Inside line against impediments; penalty for impediments beyond line.

110. Impediment line along sheds; penalty.

111. Stalls for dealers in cheese, salted fish, etc., to be designated by clerks; location of such stalls in Lexington market; in Hanover market; in Fell's Point market.

Market Days and Hours.

112. In Hanover and Richmond markets; in Fell's Point, Belair, Cross Street and Lexington markets; in Hollins market; Saturday evenings in each of said markets; in Lafayette market.

113. Market hours in each of said markets.

Sales of Market Stalls.

114. Sales of stalls heretofore made by Comptroller confirmed; title of such stalls to vest in purchaser; proviso as to unauthorized agreements made at such sales.

115. Penalty where none specially provided herein; collection and disposition of penalties.

PART I.**GENERAL PROVISIONS RELATING TO
MARKETS OF CITY.****MARKET EMPLOYES.***Assistant Market Masters or Clerks.*

City Code, (1879) Art. 35, Sec. 1. City Code, (1893) Art. 35, Sec. 1.
Ord. 34, March 9, 1896.

1. There shall be appointed pursuant to the authority conferred by the City Charter, one assistant Market Master, to be known as clerk, for each of the markets of

Appointment
of Assistant
Market Mas-
ters or Clerks.

Baltimore city; the clerks so appointed for the several markets shall have full power and authority to take possession, care and charge of the markets to which they are respectively appointed during their terms of office; and they shall attend unless prevented by sickness, unavoidable accident or necessity the markets to which they are respectively appointed during the market hours hereinafter prescribed, and at such other hours as shall be necessary in order to enforce obedience to all and every the rules directed to be observed concerning the markets.

Salaries.

Ord. 59, May 29, 1879. Ord. 2, November 14, 1885. Ord. 117, June 10, 1891. Ord. 59, April 23, 1892. City Code, (1893) Art. 35, Secs. 64, 78. Ord. 137, December 30, 1898. Ord. 28, December 29, 1899. Ord. 64, March 30, 1904. Ord. 264, May 15, 1905.

2. The several officers mentioned in this section shall receive as compensation the annual salaries herein allowed them:

Clerks and
Cleaners of
the several
Markets.

Belair market—Assistant Market Master, nine hundred dollars (\$900); Cleaner, seven hundred and twenty dollars (\$720); Broadway (Fell's Point market)—Assistant Market Master, six hundred dollars (\$600); Cleaner, six hundred and sixty dollars (\$660), provided it shall be the duty of said cleaner to clean both the old and the new market houses, and to take charge of and keep in a cleanly condition the lamps in and around said market, and to light the same. Center market—Assistant Market Master, six hundred dollars (\$600); Cleaner, six hundred dollars (\$600). Cross Street market—Assistant Market Master and Keeper of Cross Street market hall, seven hundred dollars (\$700); and the City Register is hereby directed to pay to the said Assistant Market Master the sum of fifty dollars (\$50) per annum for brooms, soap and other articles to be used in cleaning Cross Street market hall; Cleaner, four hundred and twenty dollars (\$420), and to take charge and keep in a cleanly condition the lamps in and around said market and light the same. Hanover market—Assistant Market Master, four hundred and fifty dollars (\$450); Cleaner, four

hundred and twenty dollars (\$420). Hollins Market—Assistant Market Master, five hundred dollars (\$500), provided it shall be the duty of said Assistant Market Master, in addition to the duties now performed by him, to take full charge of the hall over said market, and keep said hall in a cleanly condition, and to light up said hall when necessary; and the City Register is hereby directed to pay to the said Assistant Market Master the sum of fifty dollars (\$50) per annum for brooms, soap and other articles to be used in cleaning Hollins market hall; Cleaner, five hundred dollars (\$500). Lafayette market—Assistant Market Master, four hundred and fifty dollars (\$450); Cleaner, four hundred and twenty dollars (\$420). Northeastern market—Assistant Market Master, four hundred dollars (\$400). Lexington market—Assistant Market Master, nine hundred dollars (\$900); Cleaner, one thousand dollars (\$1000), and said market to be cleaned daily. Richmond market—Assistant Market Master, four hundred and fifty dollars (\$450); Cleaner, four hundred and twenty dollars (\$420). Canton market—Assistant Market Master, four hundred and fifty dollars (\$450); Cleaner, two hundred dollars (\$200).

DUTIES OF CLERKS.

City Code, (1879) Art. 35, Sec. 2. City Code, (1893) Art. 35, Sec. 2.

3. It shall be the duty of the clerks of the several markets to prevent all blown, stuffed, unsound or unwholesome provisions from being sold, or exposed for sale within the same, and to weigh and examine all butter, lard and other articles of provisions sold at a given weight, to see that the same are of due weight for which the same are offered for sale, and the same when false, to seize and dispose of to the highest bidder, for the use of the city, said butter when so seized, to be made in roll form previous to such sale; to decide all differences and disputes which may arise in the said markets, to which they are severally appointed, between buyers and sellers, touching the weight and measure of the things there bought and sold, and to try all scales, weights and measures by which any provisions offered for sale in the said markets,

To prevent sale of unwholesome provisions and detect short weights.

Penalty.

are to be weighed or measured, as often as practicable; and all such scales, weights and measures, as are found incorrect, shall be seized by the clerk and destroyed, and the owners thereof, or the person using them, shall forfeit and pay a fine of ten dollars, for each and every offence, one-half for the use of the clerk of the market and the other half to be paid into the city treasury, and to collect all rents of the stalls and shambles in the markets to which they may belong, for the use of the city.

Markets to be swept and cleaned.

City Code (1879) Art. 35, Sec. 3. City Code, (1893) Art. 35, Sec. 3.

4. The said clerks shall cause the markets to which they are respectively appointed, to be swept at least twice in every week, on the days next preceding market days, and have their respective markets cleaned before eight o'clock on Sunday mornings, and on such other days as the Mayor may direct, and to remove all dirt, filth and snow from the same as often as may be necessary; and it shall be the duty of the said clerks, when fish are sold, to scrape and wash the benches, and scrub and wash off all filth from the pavements and gutters, so as to make the said fish market as clean as practicable, or cause the same to be done, before five o'clock in the afternoon of each and every day that fish are sold therein, under a penalty of five dollars for every neglect or omission.

Bond.

City Code, (1879) Art. 35, Sec. 4. City Code, (1893) Art. 35, Sec. 4.

5. Before the clerks of the several markets shall take upon themselves the execution of the trust reposed in them by this Article, they shall each give bond, with sufficient security to be approved by the Mayor, to the Mayor and City Council of Baltimore, in such penalties as may be prescribed in this Article, for the clerks of the several markets, with conditions thereto annexed, that they will well and faithfully discharge the several duties required by this Article or any ordinance, and that they will render to the Mayor on the first Monday in every month, a just

and true account of all moneys which they may from time to time receive in virtue of their offices, and that they will pay the same to the Comptroller, for the use of the city.

City Code, (1879) Art. 35, Secs. 60, 63, 68, 77, 91, 99, 103, 105, 109, 117 and 123. Ord. 96, October 28, 1879. Ord. 10, March 15, 1889.

City Code, (1893) Art. 35, Secs. 5, 66, 79, 98, 111, 123, 129, 132, 137, 149 and 157. Ord. 131, May 7, 1901.

6. The bonds to be given by the Assistant Market Masters or Clerks of the respective markets in the city of Baltimore, shall be as follows: Bond of Assistant Market Master of Belair market, \$1,000; of Canton market, \$250; of Center market, \$750; of Cross Street market, \$750; of Fell's Point market, \$1,000; of Hanover market, \$750; of Hollins market, \$750; of Lafayette market, \$500; of Lexington market, \$2,000; of North-eastern market, \$500; of Richmond market, \$750.

Bonds of Assistant Market Masters or Clerks.

Ord. 96, October 28, 1879. City Code, (1893) Art. 35, Sec. 6.

7. It shall be the duty of the Comptroller to ascertain if the bonds given by the said clerks of the respective markets be responsible, and also to examine the accounts of said clerks from time to time; and if upon said examination there be found a deficiency in any of the accounts of said clerks, he shall proceed at once to collect the amount of said deficiency, if the same shall not be made good, by suit upon the bonds given by said clerks, as provided for in sections 5 and 6 of this Article.

Comptroller to see as to sufficiency of bonds.

City Code, (1879) Art. 35, Sec. 5. City Code, (1893) Art. 35, Sec. 7.

8. Whenever any repairs may be required at any of the market houses, it shall be the duty of the clerk of the market, with the approbation of the Mayor, to have such repairs made, and the expenses thereof shall be paid out of the proceeds of said market; provided, that the same shall not exceed fifty dollars for each market in any one year.

Repairs.

City Code, (1879) Art. 35, Sec. 8. City Code, (1893) Art. 35, Sec. 10.

Disorderly and
idle persons
not to fre-
quent mar-
kets.

9. It shall be the special duty of the clerks of the markets, at all times, to prevent idle or disorderly persons from frequenting the market houses, and any person or persons who may be found sitting, sleeping or behaving in a disorderly manner, within any of the market houses, or upon the shambles, stalls or benches thereof, shall each forfeit and pay a fine of one dollar for each offence.

City Code, (1879) Art. 35, Sec. 10. City Code, (1893) Art. 35, Sec. 12.

Resistance to
Clerks.

10. If any person shall resist or obstruct any clerk of a market in the execution of his duty, he or she shall forfeit and pay a sum not exceeding twenty dollars.

Halls over Market Houses.

Ord. 18, April 10, 1888. City Code, (1893) Art. 35, Sec. 159.

Not to be rent-
ed for balls or
soirees.

11. No hall over any market house shall be rented for the purpose of holding balls and soirees.

LICENSES AND RENTS.

City Code, (1879) Art. 35, Sec. 11. City Code, (1893) Art. 35, Sec. 13.

Notice on un-
rented stalls.

12. It shall be the duty of the clerks of the several market houses in the city, to affix on each stall, stand, shamble and bench in each of said market houses not rented and licensed, a written or printed notice, offering the same for rent and stating the amount of rent and license which will be charged for the same.

City Code, (1879) Art. 35, Sec. 12. City Code, (1893) Art. 35, Sec. 14.
Ord. 129, August 3, 1896.

Street stall
rents.

13. The clerks of the several markets, with the consent of the Mayor, shall have power to fix the rent of all stalls, stands and benches not enumerated in this Article; provided, that the rent for all street stalls in all markets shall be five dollars (\$5) per annum, including license.

City Code, (1879) Art. 35, Sec. 13. City Code, (1893) Art. 35, Sec. 15.

14. The Mayor is hereby empowered to cause, from Movable stalls. time to time, as may be found most expedient and necessary, a number of moveable stalls and permanent fixed benches to be made and erected at the expense of the corporation, and placed on such parts of the limits of the markets as may by him be found most convenient and suitable, and to cause the same to be numbered and rented out to the venders of market articles, by the clerks of said markets, on the terms heretofore established, or which may hereafter be established, for such stalls and benches in such respective markets; and if any person shall wilfully or maliciously break or otherwise injure any permanent fixed bench, moveable or other stall, any person so offending, and every person aiding or Penalty for injuring stalls. concerned in such offence, shall forfeit and pay a sum not exceeding twenty dollars for each offence.

City Code, (1879) Art. 35, Sec. 9. City Code, (1893) Art. 35, Sec. 11.

15. It shall be the duty of the clerk of the respective Clerks to collect per diem rents. markets to collect all the per diem rents from persons occupying unlicensed stalls, stands, benches or places in the market, and return a true and just account thereof, on oath, and pay over the same to the Comptroller on the first Monday in each and every month.

City Code, (1879) Art. 35, Sec. 14. City Code, (1893) Art. 35, Sec. 16.

16. The clerks of the several markets shall collect Payment by dealers for use of stalls. from all dealers, except butchers and bacon dealers, ten cents for each and every number of the stall or stalls occupied by them, on each and every market day or part of a market day.

License Certificates and Licenses.

City Code, (1893) Art. 35, Sec. 17. Ord. 129, August 3, 1896.

17. Whenever the clerk of any market shall rent or hire out any stall, stand, shamble or bench, he shall give to the person or persons obtaining the same, a certificate thereof,

When license
for stall is to
be issued.

Comptroller to
keep a record
of licenses.

License to be
evidence of
title, for
which \$5 per
annum shall
be paid.

which shall specify the terms of the tenure and the number and other description of the stall, stand, shamble or bench ; and in case the Comptroller shall approve of the terms of said certificate, he shall forthwith grant to the person holding the same a license under the corporation for the stall, stand, shamble or bench described in such certificate for one year and no longer, in which license shall be distinctly expressed the number or other description of the stall, stand, shamble or bench, the market wherein it is situated and the terms of the tenure ; and the Comptroller shall keep a record of the name of the person to whom such license shall be granted, and the terms and tenure thereof in a book to be kept by him for that and similar purposes, and every such license shall, with the approbation of the Comptroller, be transferable and renewable from year to year during the existence of said market, provided said licensee shall have complied with all laws and ordinances of the city of Baltimore relating to markets, and said license shall be evidence of title in the grantee or assignee to the stall, stand, shamble or bench therein mentioned ; and the person applying for said license shall pay therefor to the Comptroller five dollars (\$5) per annum for the use of the city, provided, however, that the Mayor and City Council of Baltimore shall have the right at any time to change the amount of the license and rent now or hereafter required to be paid.

Hatch v. Prendergast, 15 Md. 252. *See*, also,—*Rose v. Baltimore City*, 51 Md. 270.

City Code, (1879) Art. 35, Sec. 16. City Code, (1893) Art. 35, Sec. 18.

Monthly re-
ports to
Comptroller.

18. It shall be the duty of the clerks of the several markets of the city to report monthly to the Comptroller the names of the several persons to whom they may grant certificates ; and if any of the persons to whom certificates shall be granted, shall not apply to the Comptroller, within ten days after the date of such certificate, such person or persons shall be liable to a fine of five dollars ; and it shall be the duty of the Comptroller on the first Tuesday in each month, to furnish the clerks of the several markets, a list

of the persons to whom certificates have been granted, and who have not taken out licenses, and it shall be the duty of the said clerks to collect forthwith the amount of the license money due by the granting of said certificates, and to pay the same over to the Comptroller.

City Code, (1879) Art. 35, Sec. 17. City Code, (1893) Art. 35, Sec. 19.

19. If any person or persons to whom any stand, stall or bench shall have been rented in any of the markets, shall continue to occupy the same, and shall neglect to renew his, her or their license and certificate, or refuse or neglect to pay the rent due on such stand, stall or bench, such person or persons shall be liable to a fine of two dollars ; and it shall be the duty of the clerk of the market in which such delinquent stand, stall or bench shall be situated, to take possession of the same, within ten days from the expiration of such license, in the name of the Mayor and City Council of Baltimore, and proceed as provided in the next succeeding section.

Fine for non-payment of rent or non-renewal of certificate.

Vacant Stalls.

City Code, (1879) Art. 35, Sec. 18. City Code, (1893) Art. 35, Sec. 20.

20. When any stall shall become vacant by the failure of the tenant to renew his, her or their certificate or license, or rent due on such stand or stall for ten days, the same shall be disposed of on the succeeding market day at eleven o'clock A. M., at public sale ; the clerk having posted at least twenty-four hours' notice before such sale, within the limits of said market, by an advertisement setting forth the same ; and the proceeds of such sale shall be paid over to the Comptroller.

Public sale of vacant stalls.

City Code, (1879) Art. 35, Sec. 19. City Code, (1893) Art. 35, Sec. 21.
Ord. 129, August 3, 1896.

21. The clerks of the respective markets are hereby prohibited from letting or hiring any part of the said markets, or any stall, stand or bench therein to any person or

Regulating the letting or hiring of stalls, stands or benches.

persons whom they have good reason to suspect of offending against any of the provisions of this Article; but said clerks are prohibited from refusing to rent any stall, stand, bench or place in any market within the city to any person or persons; provided, that said clerks may refuse to rent any stall, stand, bench or place in any market to any person or persons who do not intend to occupy the same during the term of said renting.

Pfefferling v. Baltimore City, 88 Md. 475.

City Code, (1879) Art. 35, Sec. 20. City Code, (1893) Art. 35, Sec. 22.
Ord. 129, August 3, 1896.

Relating to
persons occu-
pying any
vacant stands
or places.

Proviso.

22. Any person bringing provisions or articles of any description not prohibited to the several markets for sale on market days, during market hours, shall be authorized to occupy any vacant permanent bench, movable stall, or any other place (excepting butchers' stalls) on paying for the use of the city to the clerk or his assistant the sum of twenty-five cents for each day or part of a day, he, she or they shall occupy the same; provided, however, that no person shall be permitted to occupy any stall, stand, or other place under this section for which a license has been issued, without the consent of the licensee; and provided, further, that the permission granted by this section shall not be construed to allow any meats or other cooked provisions of any kind whatever to be sold or exposed for sale on any permanent or eave bench in the Lexington market, unless such permanent or eave bench be located as prescribed by ordinances.

Fish and Crabs.

Ord. 17, March 20, 1889. Ord. 65, May 18, 1889. City Code, (1893)
Art. 35, Sec. 103.

Where same
may be sold.

23. No fresh or frozen fish or crabs shall be sold at any market in the city at wholesale, except at the wholesale fish and crab market of Centre market, nor on the highways within a distance of five blocks from any market in the city, except Hanover market and Fell's Point market, and not within a distance of one block from said Hanover

and Fell's Point markets. Any person violating the provisions of this section shall be subject to a fine of twenty dollars for each and every offence ; but fish may be sold at boats arriving at McElderry's and Dugan's wharf, commonly called Long Dock.

Meal or Flour.

City Code, (1879) Art. 35, Sec. 36. City Code, (1893) Art. 35, Sec. 43.

24. It shall not be lawful for any person to sell or offer for sale, from any cart, wagon or other vehicle, within the limits of any market within the city, any meal or flour of any kind, without first obtaining from the Comptroller a license, for which said dealers in meal or flour of any kind shall pay ten dollars to sell in the several markets of the city ; provided, that said license shall not confer any right to sell in any more than one market at the same time, nor out of more than one cart, under a penalty of twenty dollars for each and every offence ; provided, further, that nothing herein contained shall be construed as extending to farmers selling the produce of their farms, or to manufacturers of meal or flour.

License for sale
of required.

PLATS OF MARKETS, ETC.

City Code, (1879) Art. 35, Sec. 51. City Code, (1893) Art. 35, Sec. 58.

25. A plat embracing the entire limits of each market shall be provided by the Comptroller for the use of his office distinguishing the numbers of the respective stalls, shambles, benches, stands and places, as provided by sections 43 and 44 of this Article and a copy thereof shall be furnished to the clerks of the various markets.

Plat to be pro-
vided for use
of Comptrol-
ler and
Clerks of
markets.

POLICE REGULATIONS.

City Code, (1879) Art. 35, Sec. 7. City Code, (1893) Art. 35, Sec. 9.

26. It shall be the duty of the police officers to attend at the several markets of the city, in such order of rotation

Police to
attend.

and subject to such rules and regulations as may be prescribed, and during the prescribed time of such attendance to aid and assist the clerks of the said markets, respectively, in preserving order therein and enforcing the provisions of this Article.

City Code, (1879) Art. 35, Sec. 52. City Code, (1893) Art. 35, Sec. 59.

Reservoir in
Fell's Point
market.

27. It shall not be lawful for any person to fill or cause to be filled with water, drawn from the reservoir situate between the market-houses on Fell's Point, any barrel, hogshead, or other water cask, whatsoever, for shipping purposes, under a penalty not exceeding twenty dollars for each and every offence.

City Code, (1879) Art. 35, Sec. 53. City Code, (1893) Art. 35, Sec. 60.

Penalty for de-
facing or
injuring
market-
houses.

28. If any person shall deface any portion of any market-house, or any appendage thereto, or shall cast or throw any stone, brick or any other missile, or place any trestle or other lumber on the roof of any market-house or any shed or other appendage thereto, or climb on or walk upon the roof of the same, each and every person, for each and every such offence shall forfeit and pay a sum not exceeding five dollars.

Sales.

Ord. 50, May 15, 1879. City Code, (1893) Art. 35, Sec. 33.

Sale of meat.

29. No person shall sell any meat in any part of the market-houses in the city, within the limits of any of the markets, other than the regularly licensed butchers' stalls inside of the markets, under a penalty of ten dollars (\$10) for each and every offence ; provided, that nothing herein contained shall prevent any farmer from selling in any market any meats which are exclusively products of his own farm, nor to prevent bacon sellers from making such sales as shall be authorized by license, nor to prevent persons having licenses to vend puddings and sausages, from selling hand sausages, dried beef and cooked meats.

City Code, (1879) Art. 35, Sec. 27. City Code, (1893) Art. 35, Sec. 34.

30. No person shall sell or expose to sale, in any of the Unsound meat. markets aforesaid, or elsewhere within the limits of the city, any blown, stuffed, unsound or unwholesome meat, or articles of provision, or measly pork, or stale or unsound, flesh, under the penalty of twenty dollars for each and every offence; the said penalty to be paid into the city treasury.

City Code, (1879) Art. 35, Sec. 28. City Code, (1893) Art. 35, Sec. 35.

31. All flesh, flour and other provisions sold by weight Provisions sold by weight. shall be weighed by scales and weights or patent balances, duly stamped, and regulated by the officers appointed for that purpose—such scales and weights or patent balances to be provided by the seller; and if any person shall be guilty of selling by steelyards, or by unjust weights, False weights. false measures, or scales falsely balanced, he or she shall pay a fine of five dollars for each and every offence.

Ord. 78, May 3, 1880. City Code, (1893) Art. 35, Sec. 36.

32. No person shall lead, ride, drive or bring into any No horses or carriages to be taken into market. of the market houses, or on the brick pavement of the same, any horse or other beast, wagon, cart, wheelbarrow, or any other carriage whatsoever; or kill or slaughter, No slaughtering. within the limits of any of the markets, any beast; or lay thereon, or deposit, any dirt, filth, dung, garbage or offal No dirt in markets. thereon, under the penalty of two dollars for each and every offence.

City Code, (1879) Art. 35, Sec. 30. City Code, (1893) Art. 35, Sec. 37.

33. If any person shall lead, drive or place any cow No cows in market. within the limits of any of the markets during market hours, every person so offending shall forfeit and pay the sum of two dollars for every such offence.

City Code, (1879) Art. 35, Sec. 31. City Code, (1893) Art. 35, Sec. 38.

34. Any person who shall sell or offer for sale, within Certain sales prohibited. the limits of any of the markets aforesaid, any merchan-

dise or clothing of any description whatever, or any other article except eatables, or shall during market hours, offer for sale any china, glass or earthenwares, within the limits of any of said markets, or on the sidewalk, or bed of any street or alley within one square of the limits of said market, shall, for each and every offence, pay a fine of not less than five dollars, nor more than ten dollars ; provided, that this section shall not affect any gardener or farmer bringing any articles of his or her household manufacture to sell on his or her stand, stall or place.

City Code, (1879) Art. 35, Sec. 37. City Code, (1893) Art. 35, Sec. 44.

Fresh meat.

35. It shall not be lawful for any person to sell or offer for sale, within the limits of any of the markets of the city, except on the butchers' stalls, any fresh meat, in pieces less than a quarter, under a penalty of ten dollars for each and every offence.

City Code, (1879) Art. 35, Sec. 38. City Code, (1893) Art. 35, Sec. 45.

Wines or
liquors.

36. No person or persons shall, at any time, sell or expose for sale, within the limits of any of the markets, any wine or spirituous liquors of any kind, under a penalty of five dollars for each and every offence.

City Code, (1879) Art. 35, Sec. 43. City Code, (1893) Art. 35, Sec. 50.

Goods on foot-
way.

37. It shall not be lawful for any person to offer at public sale, or place on the footway or brick pavement, goods of any description, at either side of any market in the city, without permission first had and obtained from the Mayor, under the penalty of not less than five nor more than fifteen dollars for each and every offence.

City Code, (1879) Art. 35, Sec. 39. City Code, (1893) Art. 35, Sec. 46.

Cows or other
neat cattle.

38. It shall not be lawful for any person to expose or offer for sale, in any of the streets, lanes or alleys of the city any cow or other neat cattle ; any person offending therein shall forfeit and pay a sum not exceeding two dollars nor less than fifty cents for each and every offence.

City Code, (1849) Art. 35, Sec. 40. City Code, (1893) Art. 35, Sec. 47.

39. The owner or owners of any cow or cows, with or without calves, or any other neat cattle, shall pay to such person as shall be appointed to receive the same, the sum of thirteen cents on each and every head of cattle so exposed or offered for sale, or which may be taken to the lot enclosed for that purpose; provided, that no charge shall be made for a calf when accompanied with a cow.

Charges on
sales of cows
and calves.

City Code, (1879) Art. 35, Sec. 41. City Code, (1893) Art. 35, Sec. 48.

40. It shall not be lawful for any person or persons to slaughter any calf, and expose said slaughtered calf for sale at any of the markets, or elsewhere within the limits of the city, at a less age than four weeks, and of a less weight than fifty pounds net weight, under a penalty of twenty dollars. **

Slaughtering
calf under
four weeks
old.

City Code, (1879) Art. 35, Sec. 42. City Code, (1893) Art. 35, Sec. 49.

41. No person or persons shall place or expose for sale, by auction, any goods, wares or merchandise, or furniture of any kind, within the limits of the several markets of the city, on market days during market hours, under a penalty not exceeding twenty dollars for every such offence.

Goods and
merchandise.

Game and Fish Laws.

Ord. 66, May 19, 1898.

42. The Maryland State Game and Fish Protective Association is authorized to place and maintain in the several city markets, two or more framed cards containing the game and fish laws in force in the city of Baltimore; and the clerks of the several markets are hereby directed to care for and protect said framed cards when placed in said markets under the authority of this section. Any person or persons tearing down or defacing in any way these cards shall be subject to a fine of one dollar.

Framed cards
to be placed
in the city
markets.

Penalty for
tearing
down.

**NOTE.—See Code, Public General Laws, Art. 27, Sec. 220.

STALLS, STANDS AND BENCHES.*Numbers of Stalls, &c.*

Ord. 80, May 28, 1898.

Market stalls
to be re-
numbered.

43. The Comptroller is authorized and directed to have all stalls in the various markets in the city of Baltimore re-numbered in such a manner that each and every stall shall have a distinct number of its own.

Ord. 80, May 28, 1898.

Numbers to be
cut in curb.

44. All street stalls shall have their numbers cut in the curbing with division line between them.

Use and Construction of Stalls, Stands, Fixtures, &c.

City Code, (1879) Art. 35, Sec. 21. City Code, (1893) Art. 35, Sec. 23.

Permanent
wooden
structures
not to be
erected.

45. It shall not be lawful for any person or persons to erect or cause to be erected any permanent wooden frame or structure upon the outside stalls of the market houses, or to use the same, under a penalty of five dollars for each offence; and the clerks of the several markets are hereby directed to give notice to the owners of such frames or structures as are now erected, to remove the same, and if said notice is not complied with within ten days thereafter, the said owner or occupant shall pay the penalty of five dollars, and the further sum of five dollars for each day the same shall be permitted to remain after the expiration of said notice; provided, that this section shall not be construed to affect any regular market bench; and provided further, that nothing contained in this section shall apply to any frame structure now erected on the outside stalls of the several fish markets, and used by venders of cheese and confectionery.

Ord. 101, October 28, 1879. City Code, (1893) Art. 35, Sec. 24.

Butchers' clos-
ets to be
raised above
pavement.

46. No butcher or butchers shall have under his or their respective shambles any box or closet, unless the same be raised not less than eight inches above the pavement, under

a penalty of five dollars for each and every week such box or closet may remain under said shambles; and any person or persons owning or renting any stall, stand or bench under the sheds of said markets, shall have the same raised not less than eight inches above the pavement, under a penalty of five dollars for each any every week such stalls, stand or bench may remain without complying with the provisions of this section.

City Code, (1879) Art. 35, Sec. 23. City Code, (1893) Art. 35, Sec. 25.

47. The division line between the butchers and the occupiers of benches behind the shambles, shall be drawn six inches from the inner edge of one pillar, to six inches from the inner edge of another; and no butcher shall hang any meat or other thing, or place any fixture on the outside of said line, nor shall any occupier of any of said benches hang any meat or thing, or place any fixture on the inside of said line; and every person offending therein, shall forfeit and pay a sum not exceeding five dollars for each and every offence.

Division line
between
butchers and
occupiers of
benches.

Penalty.

City Code, (1879) Art. 35, Sec. 24. City Code, (1893) Art. 35, Sec. 26.

48. All blocks, benches, tubs or other things used in the markets for the accommodation of butchers, whilst occupying the shambles, shall be placed and kept within the limits of the shambles by them severally occupied, and in such manner as not to extend into the market house further than four feet beyond the inner edge of their respective shambles; and every butcher, to prevent nuisances, shall collect, secure and carry away, or cause to be removed from the limits of the market, all heads, feet, pluck or other offal, that are or may be within the limits of his shamble or bench, under a penalty of five dollars for each offence; and all meat, roots, herbs and vegetable provisions offered for sale under the extended sheds of said markets, and all tubs, baskets, and other things used in said market for the accommodation of the sellers, shall be placed by the several and respective owners thereof, so as

Use of blocks,
benches, &c.,
regulated.

not to extend beyond the edge of the benches on the one side, nor within the range of posts on the other side, to the interruption of the purchasers passing and repassing under the said extended sheds; and if any person having charge of any tub, bench, meat, roots, herbs, or vegetable provisions, or other things, as aforesaid, shall cause or suffer the same to be placed or remain otherwise than is hereinbefore mentioned and directed, every person so offending shall forfeit and pay for every offence, two dollars; nor shall any person occupying any eave bench, under the like penalty for every offence, extend or enlarge the same by any permanent or temporary fixture beyond the curb stone.

Penalty.

Ord. 63, May 9, 1887. City Code, (1893) Art. 35, Sec. 27.

Unlawful to
board in
stalls.

49. It shall be unlawful for any person to board in, or otherwise enclose, any market-stall above the bench or place on which articles are kept for sale; and every person violating the provisions of this section shall be subject to a penalty of five dollars for every day such enclosures are allowed to remain after notice has been given by the clerk of the market for their removal; but nothing in this section shall prevent occupants of market-stalls using, during market hours, canvas for the protection of their stalls from the weather, to be removed at the close of market hours on each market day.

Ord. 63, May 9, 1887. City Code, (1893) Art. 35, Sec. 28.

Space under
meat benches
and boxes.

50. All meat benches and boxes placed in any of the stalls of any of the market houses shall have underneath them a clear, open space of eight (8) inches in order that the market houses may be kept properly cleaned; and any person violating the provisions of this section shall be subject to a fine of five dollars for every day such bench or box shall remain in the stall of such person.

Ord. 63, May 9, 1887. City Code, (1893) Art. 35, Sec. 29.

Cooking pro-
hibited.

51. It shall be unlawful for any person to cook any food within any of said markets, or on any stall of any of said

markets; and every person offending against the provisions of this section shall be subject to a fine of five dollars for every such offence.

City Code, (1879) Art. 35, Sec. 25. City Code, (1893) Art. 35, Sec. 30.

52. Permission is hereby given to dealers in fruits and vegetables occupying stands in the different markets of the city to continue in use their stands during the day, (Sundays excepted) during the fruit season.

Use of stalls by fruit dealers during day-time.

Ord. 90, May 20, 1891. City Code, (1893) Art. 35, Sec. 31.

53. It shall not hereafter be lawful for the owners of stalls in the market houses, or any other person or persons, to paint any iron or woodwork forming part of the construction of the market houses, or any stall within the said market houses, without first obtaining a permit from the Inspector of Buildings, the said permit to be free of cost, and they are hereby authorized to designate in said permit the color or colors the said work or stalls shall be painted.

Permit for painting wood-work on stalls.

Ord. 90, May 20, 1891. City Code, (1893) Art. 35, Sec. 32.

54. Any person or persons so painting said stall or market house without first obtaining the permit provided for in the next preceding section shall be subject to a fine of five dollars (\$5).

Penalty.

Ord. 65, May 4, 1894.

55. It shall be unlawful for any person or persons, or body corporate, to erect any swinging signs or projecting signs in any of the markets of the city of Baltimore, under a penalty of five dollars for each offence against the provisions of this section, and a further penalty of five dollars for each and every day said swinging or projecting signs remain after notice from the Assistant Market Master to remove the same.

Swinging signs not to be erected in markets.

Penalty.

WAGONS, &c.

City Code, (1879) Art. 35, Sec. 45. City Code, (1893) Art. 35, Sec. 52.

Where to be placed.

56. All wagons, carts, and other carriages attending the market on market days, shall be placed within the limits of the market during market hours, and shall be arranged in such manner as the clerk of the market shall direct ; provided, that in case all such wagons, carts and other carriages cannot be so arranged in one row, the residue may be placed in such parts of the adjoining streets, and in such manner as the clerk of the market shall deem right and proper ; and any person offending herein shall forfeit and pay one dollar for each and every offence.

City Code, (1879) Art. 35, Sec. 46. City Code, (1893) Art. 35, Sec. 53.

Horses and wagons during market hours.

57. No more than two horses or other beasts of draught shall remain fixed to any wagon or sled, nor more than one horse or beast of draught to any cart or other carriage; and no wagon, cart or other carriage, loaded with wood, stone, brick, hay, dirt, lime or lumber, or merchandise of any kind, no empty wagon, cart or other carriage, and no hackney carriage shall be drawn or placed in the limits of either of the markets during market hours on market days ; and no horse or other beast of draught, not fixed to a wagon or other carriage, and no unloaded horse shall be permitted to enter or remain within the said limits during the hours and days aforesaid, except those living within the said limits going to or from their premises ; but this shall not apply to any farmer who, having disposed of his produce, may wish to leave the market ; and any person offending herein shall forfeit and pay one dollar for each and every offence ; and any person or persons obstructing the streets within the limits of the several markets, at any time not designated by law as the market hours of such market, shall forfeit and pay a fine of five dollars.

Proviso.

City Code, (1879) Art. 35, Sec. 47. City Code, (1893) Art. 35, Sec. 54.

58. It shall not be lawful for any person or persons to place on the streets of the market houses of this city, any

wagon, cart, or other carriage, or any barrel or barrels, box or boxes, or other articles, upon any day (Saturday excepted) after four o'clock in the afternoon, between the first day of October and the first day of April, and after six o'clock in the afternoon between the first day of April and the first day of October, of the day previous to the regular market days, the same to be removed before three o'clock in the afternoon of such market day, under a penalty of ten dollars for each and every offence; provided, that nothing in this section shall be so construed or applied to bacon sellers, as to prevent them from driving directly from one market to another, and occupying their respective stands in such market; and that nothing herein contained shall be so construed as to allow the bacon carts or others to occupy their stands, or to remain on any of the streets, lanes or alleys, or to pass through any of the streets, lanes or alleys of the city on the Sabbath day, under a penalty of five dollars for each offence.

Hours for placing vehicles or articles on streets of market houses.

Penalty.

City Code, (1879) Art. 35, Sec. 48. City Code, (1893) Art. 35, Sec. 55.

59. No person shall place any horse or beast of burden within five feet of any wagon, cart, or other vehicle, or within two feet of any of the flag-stones within the limits of any of the markets, after five o'clock in the afternoon of the day preceding market days, or during market hours, under a penalty of two dollars for each offence.

Where horses shall be placed.

City Code, (1879) Art. 35, Sec. 49. City Code, (1893) Art. 35, Sec. 56.

60. If any butcher or person employed in vending meat or vegetable provisions shall bring, or cause to be brought, on market days, within the limits of said markets, any cart or other carriage within market hours, every person so offending shall forfeit and pay a fine not exceeding two dollars.

Penalty.

City Code, (1879) Art. 35, Sec. 50. City Code, (1893) Art. 35, Sec. 57.

61. The avenues or footways for the passing of all persons from the shed parts of the market-houses to the

Footways to be kept open.

places assigned for the stations of the wagons shall be kept open, so that the same may be severally opposite to the several avenues of the brick buildings ; the said avenues, and all other avenues or footways of said market-houses, shall be kept free and clear of and from all obstructions whatsoever, under a penalty of one dollar for each and every offence.

PART II.

PROVISIONS RELATING TO PARTICULAR MARKETS.

BELAIR MARKET.*

Ord. 72, May 12, 1882. City Code, (1893) Art. 35, Sec. 65.

Limits

62. The limits of the Belair market shall include the market house, and the space on each side thereof, and Forrest street from the market space eastwardly to Douglas street, and from the market space westwardly to Hillen street, and the width of Hillen street northwardly to Monument street ; the limits of the said market to be subject to the provisions regarding footways, prescribed by section 75 of this Article. And it shall be the duty of the clerk of the Belair market to have removed immediately all bills now posted on any portion of said market house, and to prevent bill posting, defacing, mutilating or injuring any portion of said market house in any manner whatever ; and any person or persons wilfully posting bills, defacing, mutilating or injuring any portion of said market house, shall be subject to a fine of ten dollars (\$10) for each and every offence.

Clerk to prevent posting of bills and defacing of market property.

Penalty for injuring or defacing market property.

*NOTE.—See, note in reference to Belair market, City Code, (1879), pages 648 and 649.

City Code, (1879) Art. 35, Sec. 61. City Code, (1893) Art. 35, Sec. 67.

63. In the Belair market houses, the butchers' stalls shall be at a rent of twenty dollars; the permanent benches, three dollars; and the eave benches, two dollars; in the fish market houses, the two middle rows of benches shall be at a rent of four dollars, and the two outer rows at a rent of two dollars.

Rent of stalls and benches.

Res. 132, May 4, 1880. City Code, (1893) Art. 35, Sec. 68.

64. The City Engineer (acting with the clerk of the Belair market) is authorized and directed to establish a permanent line, by placing oblong stones or such other marks as he may deem necessary, in the houses of the Belair market and on the streets within the limits of the market, for the purpose of defining a line to restrict venders of market produce from extending their stands and obstructing the gangways and streets.

Permanent line.

BROADWAY MARKET.*

Res. 3, November 18, 1880. City Code, (1893) Art. 35, Sec. 70A.

65. The clerk of Broadway market shall prohibit and prevent the erection of enclosed stands, and stands for cooking or serving meals in said Broadway market.

Enclosed and cooking stands in, prohibited.

City Code, (1879) Art. 35, Sec. 64. City Code, (1893) Art. 35, Sec. 71.

66. For any interference with the clerk or cleaner of Broadway market in the execution of their respective duties, the penalty shall be the same as is prescribed in this Article for the regulation of markets.

Penalty for interfering with clerk and cleaner of Broadway market.

Ord. 43, April 18, 1882. City Code, (1893) Art. 35, Sec. 72.

67. It shall be the duty of the clerk of the Broadway market, to have removed immediately all bills now posted on the walls of Broadway Institute, and to prevent bill

No bills to be posted on walls of hall.

*NOTE.—See, note relating to this market, City Code, (1879), pages 650-652.

posting, defacing, mutilating or injuring the walls; or any portion of the hall erected over the Broadway market, in any manner whatever ; and any person or persons wilfully posting bills, defacing, mutilating or injuring the walls, or any portion of said hall, shall be subject to a fine of ten dollars (\$10) for each and every offence.

City Code, (1879) Art. 35, Sec. 66. City Code, (1883) Art. 35, Sec. 73.

How wagons
shall stand.

68. All wagons and other vehicles which may occupy stands on the bed of the street, on each side of the Broadway market, from Canton avenue to Lancaster street. shall be reversed in such a manner as to expose their products for sale on the side of the street nearest the sidewalk, and the clerk of the market shall enforce the provisions of this section.

Ord. 50, May 5, 1883. City Code, (1893) Art. 35, Sec. 74.

Rent of stalls.

69. The annual rentals for the space stalls of the Broadway market house, shall be seven dollars per year, exclusive of the annual license to be paid to the city as required by ordinance.

CANTON MARKET.

Ord. 2, November 14, 1885. City Code, (1893) Art. 35, Sec. 75.

Sale of stalls.

70. The Comptroller shall sell at public auction to the highest bidders, for cash, all the butcher, permanent and eave stalls in the Canton market house, but the Comptroller may, in his discretion, withdraw any stall or stalls should the bid therefor be less than he may deem the value of the same to be.

Ord. 2, November 14, 1885. City Code, (1893) Art. 35, Sec. 76.

Stall rents in
Canton mar-
ket.

71. The rent per annum of the stalls enumerated in the next preceding section of this Article shall be as follows : butcher stalls, ten dollars (\$10); permanent stalls, four dollars (\$4); eave stalls, (\$2); exclusive of the license of five dollars (\$5) provided to be paid by section 17 of this

Article, said rent and license to commence on May 1, in each year, and be payable in advance, except the butcher stalls, of which the license fee of five dollars (\$5) shall be payable yearly in advance, and the rental of ten dollars (\$10) payable quarterly in advance.

Ord. 2, November 14, 1885. City Code, (1893) Art. 35, Sec. 77.

72. The limits of the Canton market shall comprise the whole of the lot belonging to the city, and bounded on the north and south by O'Donnell street, on the east by Potomac street, and on the west by Patuxent street; also the whole width of O'Donnell street from Potomac street to Patuxent street and the whole width of Potomac and Patuxent streets where they bind on said market house; and the days for holding said market shall be on Monday and Thursday of each week and Saturday evening.

Limits of market.

CENTRE MARKET.

Ord. 157, November 29, 1904.

73. When the market houses and buildings of Centre market, for which provision is made in ordinance 157, approved November 29, 1904, shall have been erected and furnished, they shall become parts of the public market house system of the Mayor and City Council of Baltimore.

New Centre market to become part of market system of city.

City Code, (1879) Art. 35, Sec. 69. City Code, (1893) Art. 35, Sec. 80.

Ord. 129, August 3, 1896. Ord. 66, April 5, 1904. Ord. 157, November 29, 1904.

74. The limits of the Centre market shall be as follows: Said market shall embrace all that tract of ground bounded by Baltimore street, West Falls avenue (as now in process of extension), Lombard street and the west side of Centre market space, as the said space of ground shall exist after the parts thereof not already acquired by the city shall have been acquired by the Burnt District Commission, on behalf of the city for public market purposes, pursuant to the provisions of Acts 1904, chapter 87, of the General Assembly of Maryland, and Ord. 66, approved April 5, 1904.

Limits of Centre market.

CROSS STREET MARKET.

City Code, (1879) Art. 35, Secs. 69, 89. City Code, (1893) Art. 35, Secs. 80, 109.

Limits of Cross
street mar-
ket.

75. The limits of Cross street market shall include the whole of the lot belonging to the city on which it stands and so much of the adjacent streets as may be in front of the said lot ; provided, however, that nothing herein contained shall be construed to interfere with the rights and privileges of the occupier or occupiers of any of the houses on the streets, lot or space above mentioned, or with the free passage of the footways ; and provided, also, that nothing in this Article contained shall be construed to authorize the placing of stalls, stands or benches on any footway.*

City Code, (1879) Art. 35, Sec. 90. City Code, (1893) Art. 35, Sec. 110.

Clerk to take
charge of
hall.

76. It shall be the duty of the clerk of Cross street market, in addition to the duties hereinbefore prescribed for clerks of markets generally, to take full charge of the hall over the market, to keep the hall in a cleanly condition, and to light it up when necessary.

City Code, (1879) Art. 35, Sec. 92. City Code, (1893) Art. 35, Sec. 112.

Rent of butch-
ers' stalls.

77. In the Cross street market, the butchers' stalls shall be at a rent of five dollars.

FELL'S POINT MARKET.

City Code, (1879) Art. 35, Sec. 93. City Code, (1893) Art. 35, Sec. 113.

Limits.

78. The limits of the Fell's Point market shall be as follows : Beginning for the same at the intersection of Thames street and Broadway, and running northwardly on a line with the houses on the east and west sides of the market to Canton avenue, subject to the provisions regarding footways, in section 75 of this Article.

*NOTE:—See, City Code, (1879) page 657.

City Code, (1879) Art. 35, Sec. 94. City Code, (1893) Art. 35, Sec. 114.

79. The clerk of Fell's Point market is directed and empowered to allow the owners, proprietors or occupiers of the several stalls or stands occupying the space between the two market houses, and formed by the intersection of Lancaster street with Broadway, at the Fell's Point market, to occupy, use and sell from the same, on every day of the week, except Sunday.

Owners of stalls may sell every day except Sunday.

City Code, (1879) Art. 35, Sec. 95. City Code, (1893) Art. 35, Sec. 115.

80. The better to promote the convenience of the community, the clerk of said market is further authorized and empowered to establish such regulations for the proper arrangement of the stalls or stands occupying said markets, as may in his judgment seem best.

Clerk to arrange stalls.

City Code, (1879) Art. 35, Sec. 97. City Code, (1893) Art. 35, Sec. 117.

81. In the Fell's Point market houses, the butchers' stalls shall be at a rent of twenty dollars; the permanent single benches, three dollars; and the single eave benches, two dollars; the double benches shall be at a rent of six dollars for permanent benches, and four dollars for eave benches; in the fish market house, the stalls shall be at a rent of four dollars.

Rent of stalls and benches.

Ord. 22, March 15, 1882. City Code, (1893) Art. 35, Sec. 118.

82. It shall not be lawful for any person or persons to sell any fresh fish in the Fell's Point market, except on the eave stalls or permanent benches in what is known as the fish market, in the lower part of the southern market house, under a penalty of two dollars for each offence.

Sale of fish.

Ord. 95, May 24, 1884. City Code, (1893) Art. 35, Sec. 119.

83. All that part of the Fell's Point market, lying between Lancaster and Thames streets, is declared to be a wholesale market for country produce, brought into the city in wagons and carts; provided, however, that nothing

Country produce market.

herein shall be so construed as to prevent persons now owning or renting stalls in said market from carrying on a retail business.

Ord. 95, May 24, 1884. City Code, (1893) Art. 35, Sec. 120.

Vehicles to
have free ac-
cess.

84. Said market shall be subject to all the rules and regulations provided by law for the government of markets within the city of Baltimore, excepting that all vehicles, as provided in section 83, containing country produce to be offered for sale in said market, shall have free access at all hours to and from said market, and through the streets on both sides thereof, between Lancaster and Thames streets as aforesaid; provided, that no person shall be permitted to use said market for the sale of country produce as aforesaid, without first obtaining a license therefor from the clerk of said market.

Ord. 95, May 24, 1884. City Code, (1893) Art. 35, Sec. 121.

How produce
shall be sold.

85. It shall not be lawful for any person or persons to sell less than a wagon or cart load of produce, if said load consists of one kind of produce, and if said load consists of a variety of produce, each variety shall be sold in bulk. Any person or persons violating the provisions of this section shall be subject to a fine of five dollars for each and every offence.**

HANOVER MARKET.

Ord. 114, June 3, 1890. City Code, (1893) Art. 35, Sec. 122.

Ord. 129, August 3, 1896.

Limits of Han-
over market.

86. The Hanover market shall include the market house, with the grounds in the centre thereof, the alleys to the northward and westward thereof, and also the whole width of Hanover street from Conway street to Lombard street, and also the whole width of Camden street from Charles street to the west side of Sharp street, and also the whole width of Sharp street from Conway street to Pratt street, and the whole width of Dover street

**NOTE.—Ord. 117, June 23, 1904, was omitted from the Code as being in conflict with sections 707 and 708 of the City Charter.

from Hanover street to Sharp street; subject to the provisions regarding footways prescribed in section 75 of this Article.

Lucas, *et al.* v. Lottery Comm'rs, 11 G. & J. 515. See, Acts 1838, ch. 323; 1839, ch. 52.

City Code, (1879) Art. 35, Sec. 100. City Code, (1893) Art. 35, Sec. 124.

87. In the Hanover market house, the butchers' stalls shall be at a rent of eighteen dollars; the permanent benches, three dollars; and the eave benches, two dollars; in the fish market, the stalls shall be at a rent of four dollars.

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Rent of stalls
and benches.

City Code, (1879) Art. 35, Sec. 101. City Code, (1893) Art. 35, Sec. 125.

88. The limits within which hucksters or persons living in the city and dealing in the articles of butter, eggs or poultry, or either or any of them, may dispose of or offer the same for sale, to be designated by the Mayor, shall be at the Hanover market, out of Hanover street and that part of the market house fronting thereon.

Limits for
hucksters.

Res. 95, April 21, 1890. Ord. 24, April 10, 1891. City Code, (1893) Art. 35, Sec. 126.

89. Nothing contained in section 57 of this Article shall be so construed as to prevent any person or persons from riding or driving any horse or horses, vehicle or vehicles, along the eastern half of Hanover street, from Conway street to Lombard street, during market hours, and said eastern half of Hanover street and Sharp street within the limits of Hanover market shall be kept open for said purpose.

Vehicles along
Hanover
street from
Conway
street to
Lombard
street.

HOLLINS MARKET.

City Code, (1879) Art. 35, Sec. 102. Ord. 75, May 4, 1892. City Code, (1893) Art. 35, Sec. 127.

90. The limits of the Hollins market shall include the whole of the lot belonging to the city on which it stands, and so much of the adjacent streets as may be in front of

Limits.

the said lot, together with the eastern half of Carrollton avenue, between Hollins street and the first alley, (about ten feet wide) north of Hollins street, and running parallel therewith, easterly from Carrollton avenue, and also the bed of Hollins street, between Arlington avenue and Poppleton street, subject to the provisions regarding footways, prescribed in section 75 and subject also to the right of passage for vehicles along Schroeder street during market hours.

Res. 64, April 2, 1886. City Code, (1893) Art. 35, Sec. 128.

Driving
vehicles.

91. It shall not be lawful for any person or persons to drive any wagon, cart or vehicle of any description on Hollins street between Arlington avenue and Poppleton street, and on Arlington avenue between Baltimore and Lombard streets, during the market hours in Hollins market, under the penalty of five dollars (\$5) for each and every offence.

City Code, (1879) Art. 35, Sec. 104. City Code, (1893) Art. 35, Sec. 130.

Rent of butch-
ers' stalls.

92. In the Hollins market, the butchers' stalls shall be at a rent of eight dollars.

LAFAYETTE MARKET.

Ord. 86, May 16, 1890. City Code, (1893) Art. 35, Sec. 131.

Limits.

93. The limits of the Lafayette market shall be as follows: Beginning for the same at the corner of Arlington avenue and north Fremont avenue, and extending the full width of north Fremont avenue, north to Presstman street, and on Patterson avenue from north Fremont avenue, including the full width of Patterson avenue, to Pennsylvania avenue, and all of Sewell street and that part of Argyle avenue between the south side of the market to the bridge over the Union Railroad, according to the provisions of section 75 of this Article, and the provisions relating to the use of stalls as set forth in section 97 of this Article.

NOTE.—See, note City Code, (1879) page 660.

City Code, (1879) Art. 35, Sec. 106. City Code, (1893) Art. 35, Sec. 133.

94. The clerk of said market shall have full power and authority to take possession, care and charge of the market, and shall attend, during his term of office, unless prevented by sickness or other unavoidable accident or necessity, the market to which he is appointed during the market hours prescribed in section 113 of this Article, and at such other hours as may be necessary, in order to enforce obedience to all and every rule directed to be observed concerning markets. His duties.

City Code, (1879) Art. 35, Sec. 107. City Code, (1893) Art. 35, Sec. 134.

95. All the ordinances and regulations passed with reference to the several markets of the city shall apply to the Lafayette market.* All ordinances to apply.

Res. 15, February 17, 1890. City Code, (1893) Art. 35, Sec. 135.

96. Permission is hereby granted to the stall owners in Lafayette market to erect uniform temporary movable side shelters to their stalls in said market, for use during market and other permissible business hours therein; this permission is granted for the months of December, January, February and March of each year only, and said shelters are to be erected under the plans and supervision of the Inspector of Buildings, or the Assistant Market Master of said market, and at the expense of the owner of the stall. Temporary side shelters.

LEXINGTON MARKET.

Ord. 169, November 4, 1889. City Code, (1893) Art. 35, Sec. 136.

97. The limits of the Lexington market shall be as follows: Beginning with the flagstone on the east side of Eutaw street, and running westerly to Pine street, including the whole width of Lexington market space, and all streets crossing or intersecting said space, south to Fayette Limits.

*NOTE.—See note, City Code, (1879) page 661.

Proviso.

Penalty.

street and north to Saratoga street, subject to the provisions regarding footways, prescribed by section 75; provided, however, that nothing herein contained shall give the right to any person or persons to place any wagon, cart or carriage upon Pearl and Pine streets, on market days, except the same shall be placed on a line in the centre of said street; and if any person or persons shall violate the provisions of this section by placing any wagon, cart or other carriage, (so as to prevent the access of any other wagon, cart or carriage,) to the curbstone opposite any building, without the consent of the owner or occupier of such building, such person or persons so offending, shall forfeit and pay a fine of five dollars (\$5); provided that nothing herein contained shall be construed to prevent the florists heretofore occupying their stalls on the north side of Lexington street, and extending a distance of thirty feet east of the east line of the flagstone above mentioned, from occupying their stalls as now leased to them by the Mayor and City Council of Baltimore.*

City Code, (1879) Art. 35, Sec. 111. Ord. 96, October 28, 1879.

City Code, (1893) Art. 35, Sec. 139.

Rent of stalls
and benches.

98. In the Lexington market house, the butchers' stalls shall be at a rent of twenty dollars; the permanent benches, four dollars; and the eave benches, two dollars; in the fish market, the two middle rows of stalls shall be at a rent of four dollars; and the two outer rows at two dollars.

Ord. 50, May 5, 1883. City Code, (1893) Art. 35, Sec. 140.

Rent of stalls.

99. The annual rentals for the "space" stalls of the Lexington market house, shall be seven dollars per year, exclusive of the annual license to be paid to the city as required by ordinance.

*NOTE.—See, City Code, (1879) page 662.

NORTHEAST MARKET.

Ord. 7, March 6, 1885. City Code, (1893) Art. 35, Sec. 153.

100. The Comptroller shall sell in perpetuity all the Sale of stalls. butcher, permanent and eave stalls in the Northeast market house.

Ord. 7, March 6, 1885. City Code, (1893) Art. 35, Sec. 154.

101. The rent per annum of the stalls in Northeast Rent of stalls. market shall be as follows: Butcher stalls, ten dollars (\$10); permanent stalls, four dollars (\$4); eave stalls, two dollars (\$2); exclusive of the license of five dollars (\$5) provided to be paid by section 17 of this Article; said rent and license to commence on May 1, in each year, and to be payable in advance, except the butcher stalls, of which the license fee of five dollars shall be payable yearly in advance, and the rental of ten dollars payable quarterly in advance.

Ord. 53, April 18, 1894.

102. The rent of the stalls in the lower or south shed Rent. of the Northeast market is fixed at seven dollars (\$7) per year for eave and nine dollars (\$9) per year for permanent stalls, payable quarterly in advance.

Ord. 18, March 31, 1887. City Code, (1893) Art. 35, Sec. 155.

103. The annual rent of stalls under the said shed Rent of stalls under sheds. building entering from the south end of the Northeast market to McElderry street, shall be twelve dollars (\$12) a year for the 8x10 stalls, and twenty-four dollars (\$24) a year for the 16x20 stalls; and the Comptroller, in renting said stalls, shall give preference to those now occupying them.

Ord. 7, March 6, 1885. City Code, (1893) Art. 35, Sec. 156.

104. The limits of the Northeast market shall comprise the whole of the lot belonging to the city, and bounded by Monument, McElderry and Chester streets, and Duncan Limits of Northeast market.

alley, and also the whole width of Monument street, from Chester street to Duncan alley, the whole width of Chester street, from Monument to McElderry street, and the whole width of McElderry street, from Chester street to Duncan alley; and the days for holding said market shall be Monday and Thursday of each week, and Saturday evening.

Res. 164, June 23, 1886. City Code, (1893) Art. 35, Sec. 158.

Licenses for
stalls at four
corners of
market.

105. The Comptroller, subject to the provisions of section 17 of this Article, is hereby authorized and directed to issue licenses for stalls at the four corners of the said Northeast market.

RICHMOND MARKET.*

City Code, (1879) Art. 35, Sec. 116. City Code, (1893) Art. 35, Sec. 148.

Limits.

106. The limits of the Richmond market shall include the whole of the lot belonging to the city, on which it stands, and so much of the adjacent streets as may be in front of the said lot, subject to the provisions regarding footways prescribed by section 75 of this Article.

City Code, (1879) Art. 35, Sec. 118. City Code, (1893) Art. 35, Sec. 150.

Rent of butch-
ers' stalls.

107. In the Richmond market the butchers' stalls shall be at a rent of ten dollars.

City Code, (1879) Art. 35, Sec. 119. City Code, (1893) Art. 35, Sec. 151.

Rent of unoc-
cupied stalls.

108. Whenever the purchaser of any butchers' stall in the Richmond market shall not occupy the same, the clerk of the market shall have the right of renting such stall to any person who may apply for its use, subject to the provisions of section 17 of this Article.

*NOTE.—See, note on Richmond market, City Code, (1879) page 664.

PROVISIONS APPLICABLE TO VARIOUS MARKETS.

City Code, (1879) Art. 35, Sec. 113. City Code, (1893) Art. 35, Sec. 145.

109. Two rows of bricks, on edge, along the entire line of the inside of Lexington, Hanover, Fell's Point and Belair market houses, at the distance of six feet from the inner side of the stands occupied by the butchers, shall be designated as a line beyond which no person shall be allowed to place any impediment, under a penalty of ten dollars for each offence.

Inside line
against im-
pediments.

City Code, (1879) Art. 35, Sec. 114. City Code, (1893) Art. 35, Sec. 146.

110. Two rows of bricks, on edge, along the entire line of the sheds attached to the Lexington, Fell's Point, Belair and Hanover market houses, at the distance of two feet from the benches, so as to form an avenue in the centre, between the inner and outer benches, for the accommodation of persons visiting the several markets, shall be designated as a line beyond which no person shall place any impediment, under a penalty of two dollars for each offence.

Line along
sheds against
impedi-
ments.

Ord. 128, (Annual Session 1898.)**

111. No dealer in cheese, or in salted, cured or dried fish, shall occupy any stand or stands in the Lexington, Hanover or Fell's Point markets other than such as shall be designated for such use by the clerks of said several markets, with the approbation of the Comptroller, which stand or stands so designated by the said clerks shall be confined to the following limits, that is to say: In the Lexington market, to the entire north and south sides of the market house west of Eutaw street to the east side of Pearl street; in the Hanover market, within the interior space on either side of the fish market; and in the Fell's Point market, to the eave stalls or permanent benches in the lower part of the southern market house.

Stalls for
cheese or
dried fish
dealers des-
ignated by
clerks.

**NOTE.--This ordinance became a law by limitation.

Market Days and Hours.

City Code, (1879) Art. 35, Sec. 56. City Code, (1893) Art. 35, Sec. 62.

Market days. **112.** The market days shall be Monday and Thursday at the Hanover and Richmond markets; Tuesday and Friday at the Fell's Point, Belair, Cross street and Lexington markets; Monday, Wednesday and Saturday at the Centre market; Wednesday and Saturday at the Hollins market, and also Saturday evenings at each of said markets. Monday, Thursday and Saturday are hereby designated as the regular market days of the Lafayette market house.*

City Code, (1879) Art. 35, Sec. 57. City Code, (1893) Art. 35, Sec. 63.

Market hours. **113.** The market hours at the Centre, Lexington, Belair, Hollins street and Hanover markets shall begin at daylight and end at eleven o'clock in the forenoon, during the months of October, November, December, January, February and March, and begin at six o'clock A. M. and end at half-past ten o'clock in the forenoon, during the remainder of the year; the market hours at Fell's Point market shall begin at daylight and end at twelve o'clock noon, during the months of October, November, December, January, February and March, and end at eleven o'clock in the forenoon during the remainder of the year; the market hours at Richmond market shall begin at two o'clock and end at six o'clock in the afternoon; the market hours at Cross street market shall begin at daylight and end at eleven o'clock in the forenoon during the months of October, November, December, January, February and March, and end at ten o'clock in the forenoon during the remainder of the year; and for the Saturday evening market, the market hours at all markets hereinbefore named shall begin at sunset, and end at eleven o'clock in the evening, except the Fell's Point and Belair markets, which shall begin at three o'clock and end at eleven o'clock; the Hollins street market, which shall begin at two o'clock, and end at ten o'clock, and the Cross street market, which shall begin at

*NOTE.—The market days of Centre, Hanover and Fell's Point markets were established in 1784. See, Acts 1784, ch. 62, and 1785, ch. 33.

three o'clock and end at ten o'clock. Market hours at the Lafayette market shall begin at daybreak during the months of October, November, December, January, February and March, and end at eleven o'clock A. M., and during the remainder of the year shall begin at the same time and end at ten o'clock, and those for Saturday shall commence at three o'clock P. M., and end at eleven o'clock P. M.

Sales of Market Stalls.

City Code, (1879) Art. 35, Sec. 120. City Code, (1893) Art. 35, Sec. 152.

114. The sales of market stalls heretofore made by the Comptroller of the city of Baltimore, City register, or any other officer or agent of the city, in the following markets, or in any extensions or improvements of said markets, to wit: Lexington market, Fell's Point market, Belair market, Hollins market, Hanover market, Richmond market, Lafayette market, Cross street market and Canton market, are hereby fully ratified and confirmed, with the intent to vest in the purchasers of the said stalls, or their legal representatives or assigns, as good and sufficient title, upon the payment of the purchase money for said stalls, and upon compliance with the ordinances of the city regulating markets and prescribing the terms and tenure upon which market stalls are held, as if the said sales had in the first instant been made in pursuance of an authority vested in the said Comptroller, City Register or other officer or agent of the city by an ordinance of the Mayor and City Council of Baltimore, duly passed for the purpose; provided, that nothing herein shall be construed as ratifying or confirming any statement or promise or agreement of said officers or agents, or either of them, made in connection with said sales, for which an express authority cannot be shown in the City Charter or the ordinances and resolutions of the Mayor and City Council of Baltimore.

Sales of stalls
in Belair,
Canton,
Cross street,
Fell's Point,
Hanover,
Lafayette,
Lexington
and Rich-
mond mar-
kets.

Fine where no special provision is made herein.

Collection of fines, forfeitures and penalties.

To be paid to Comptroller.

115. The violation of any of the provisions of this Article, unless a different penalty is prescribed herein in a particular case, shall subject the person or persons, or corporation so offending, to the same penalty as is prescribed in section 10 of this Article for the regulation of the markets; all fines, penalties and forfeitures incurred by the violation of any of the provisions of this Article for the recovery of which no provision has been made herein, shall be recovered as other fines, penalties and forfeitures imposed by ordinance are recoverable, and when collected shall be paid to the Comptroller.

ARTICLE XXIV.
PARKS AND SQUARES.
ORDINANCES.

Obstructions in Parks.

- 1. No obstructions to public view to be erected in parks or on footways of municipal buildings by unauthorized persons; penalty.

Mount Vernon Place.

- 2. Regulating porticos, steps, etc., on same.

Park Avenue.

- 3. Agreement as to paving Park avenue between Mt. Royal avenue and Reservoir street.
- 4. City to improve and maintain squares under said agreement.

Fines and Penalties.

- 5. Recovery and disposition of fines imposed hereunder.

OBSTRUCTIONS IN PARKS.

Ord. 151, October 15, 1889. City Code, (1893) Art. 37, Sec. 14.

No obstructions to public view to be erected.

1. No stand or obstruction to the public view shall be erected in any of the public parks or squares of the city, or upon the footways belonging to any municipal building in the city of Baltimore, by any person or persons whomsoever, unless authorized by law; anyone violating any of the provisions of this section, shall be fined fifty dollars (\$50) for each offence.

MOUNT VERNON PLACE.

City Code, (1879) Art. 48, Sec. 43. City Code, (1893) Art. 46, Sec. 21.

2. It shall not be lawful for any person to erect or set up any portico, steps, or any other ornamental structure whatever on Mount Vernon Place, at a greater distance into the place than nine (9) feet, measuring from the building line thereof.

Regulating
porticos.

Garrett v. Janes, 65 Md. 260.

PARK AVENUE.

Ord. 56, July 2, 1897.

3. In accordance with the agreement set forth in Ordinance 56, approved July 2, 1897, whenever there shall have been erected not less than twenty dwelling houses fronting on Park avenue between Newington avenue and Whitelock street the city, within six months after service on the Mayor of a demand in writing signed by the owners of at least one-half in front feet of the lots fronting on said avenue between said streets, or by the duly authorized agents of such owners, will pave that portion of said avenue with vitrified brick pavement; and in like manner, whenever there shall have been erected twenty dwelling houses fronting on Park avenue between Whitelock street and Mount Royal avenue, the city will pave with vitrified brick that portion of said avenue within six months after like demand by the owners of at least one-half in front feet of the lots fronting on said avenue between said streets.

Agreement as
to paving
Park avenue
between Mt.
Royal ave-
nue and Res-
ervoir street.

Ord. 56, July 2, 1897.

4. In accordance with said agreement the city will, before July 1, 1897, plant with grass, trees and shrubs, improve and thereafter maintain the squares now laid out in the center of Park avenue, and will at all times thereafter prevent their being overgrown with weeds or becoming unsightly.

To improve
and maintain
squares.

Recovery of
fines and pen-
alties.

5. All fines incurred by the violation of any of the provisions of this Article shall be recovered as other fines imposed by ordinance are recoverable, and when collected shall be paid to the Comptroller.

ARTICLE XXV.

POLICE.

ORDINANCES.

Billiard Tables and Bowling Alleys.

- 1. What games played on billiard tables shall be unlawful.
- 2. Minors not to play; penalty for which licensee is liable.
- 3. Penalty for play after 11.30 P. M.

Minors.

- 4. Penalty for allowing minors to play.

Birds.

- 5. Penalty for injury to insectivorous birds and bird boxes.

Blowing Whistles.

- 6. Between what hours prohibited; penalty; exception as to steamboats.

Building Permits.

- 7. Penalty for refusing to show permit to police when demanded.
- 8. Police to inquire of persons building whether permits have been granted.

Cattle, Goats and Swine at Large

- 9. Goats at large may be killed or seized by anyone; liability of owner of such goats.

Dogs at Large.

- 10. When dogs not to run at large; penalty for owner; such dogs may be impounded; disposition of impounded dogs.

Driving Cattle, Sheep or Swine Through Streets.

- 11. Hours for driving cattle and hogs.
- 12. When sheep may be driven; not to be driven through Baltimore street or along any public square at any time.
- 13. Penalty for unlawful driving.
- 14. Limits where unlawful to drive cattle, etc., at any time; penalty.
- 15. Driving on Sunday prohibited; not to be driven on Baltimore street or by any public square.

16. Number of cattle in a drove limited; drivers.
17. Limit on number of sheep or hogs in drove; number of drivers required.
18. Drovers to be kept three squares apart.
19. Penalty for violation of provisions of this sub-division.
20. Not to apply to cattle, etc. arriving or for shipment by water being driven between shipping points.
21. Permission for driving to Conrad Hohman.
22. Hogs not to be permitted to stop or lie down; penalty.
23. To be driven only to slaughter houses and shipping points; penalty; proviso as to driving from cattle pens of Baltimore and Ohio Railroad; all driving to be in conformity with regulations hereunder.
24. Exceptions in favor of owners of certain cattle pens.
25. No driving through Laurens, McMechen, Wilson and Gilmor streets; penalty.
26. Nor on Boundary avenue between Madison and Greenmount avenues.
27. Centre street between Howard and Calvert streets.
28. Driving milch cows and calves to pasturage.
29. Driving to Claremont Stock Yards restricted to Brunswick street; penalty.
30. Saratoga street between Greene and Calvert streets; penalty.

31. Through Fulton and Wilkens avenues, Mulberry street, and Woodberry; penalty.

Fire Regulations.

Fire Shutters.

32. When to be closed; how to be constructed; not to apply to Government or fruit warehouses.

Smoking Meat.

33. Fires for smoking meat in other than smoke houses prohibited; penalty.

Explosive or Inflammable Compounds Under Stairways.

34. Such storage rendering egress hazardous in case of fire prohibited.
35. Aisles in buildings for instruction or amusement to be kept clear during any performance, etc., all exits to be opened for use of departing audiences.

Health Regulations.

Nuisances in Streets.

36. Police to execute orders of the Commissioner of Health.

Ashes, Deposits and Sand.

37. Not to be placed on streets; exception as to icy sidewalks; penalty; proviso as to use by street railway companies on rails on grades.
38. No deposits of any kind to be made on space formed by Park avenue, Fayette and Liberty streets; penalty.

Fish.

39. Not to be cleaned, scaled, etc. near public pumps or fountains; penalty.

40. All fish to be kept under roof or cover; penalty.

Garbage and Garbage Carts.

41. No sign, bell or horn to be used by owners of carts not employed by city; penalty.
42. Penalty for failure by city employes to remove garbage.
43. Garbage carts not to stand in streets unnecessarily; carts not to gather in numbers; not to be occupied an unreasonable length of time in loading, etc.; needless offensiveness prohibited.
44. Carts to be strong and tight and covered.
45. Cleanliness required of drivers in loading or unloading garbage.
46. No garbage to be dropped on streets.
47. Penalty for violations of provisions of this sub-division; to apply to stable manure spilled on streets.
48. Carts to be tight to prevent littering the streets.
49. Police to report to Commissioner of Street Cleaning neglect of drivers.

Gutters.

50. Water from gutters not to be thrown into streets; penalty; not to affect privilege of builders.
51. Gutters to be kept clean by owners of abutting property; penalty.

Offensive Fluids in Streets.

52. Penalty for allowing offensive or nauseous liquors to escape into streets.

53. Penalty for allowing refuse coal oil in streets.

Slop Carts.

54. Penalty for placing slop carts or troughs across footways.

Sprinkling and Sweeping Streets.

55. Streets to be sprinkled before sweeping; penalty.

Landmarks of Streets.

56. Penalty for removing, mutilating or disturbing landmarks established by City Engineer.

Lamps, Lamp Posts and Pillars.

57. Interference with street lamps or lighting system in any manner prohibited; bills, etc. not to be posted on lamp posts; penalty.
58. Penalty for destruction of or injury to lamps or other public property.

Malicious Destruction of Property.

59. Penalty for malicious injury to houses, furniture, fences, etc. in city.
60. Penalty for injury to grass, trees, etc. around Washington's Monument.

Monuments.

61. Penalty for injuring or defacing Washington or Battle monuments.

Museums of Anatomy.

62. Penalty for exposing or displaying any part of such museums in show window.

Newspaper Representatives.

63. Authority of Journalist's Club to issue badges; holders of badges to be under control of said club.

64. Badges to be revoked for misuse thereof.

65. Penalty for misuse, counterfeiting or imposition by means of such badges.

66. Penalty for duplicating, etc. badges.

Obstructions in Streets.

67. Penalty for obstructing any of the streets, lanes, alleys or gutters.

Barrels, Boxes, Crates and Hogsheads.

68. Penalty for permitting same to remain in streets more than twelve hours or after sunset; not to use more than one-half of footway in placing such articles; penalty.

Dangerous and Unhealthy Substances.

69. Articles which are not to be thrown into streets or other public place.

70. Boxes, bins, barrels, etc., not to be placed in streets or on footways; exception as to boxes, etc., for garbage; to be removed when emptied.

71. Owners of abutting premises to keep sidewalks and gutters clear.

72. Who shall be liable for violation of provisions of this subdivision; penalties.

Dirt, Lumber, etc.

73. Penalty for placing same in streets and allowing same to remain more than twenty-four hours after notice to remove; City Engineer to remove and charge expense thereof to person placing same.

Builders' Materials and Enclosures in Streets.

74. Builders' privileges in streets; to occupy one-third of street with materials for ninety days; proviso as to railway tracks; penalty for exceeding privileges; may enclose front of house during construction or repair; projection and duration of such enclosure; penalty.

Fires and Horses in Streets.

75. Horses, etc., being shod not to stand in streets; fires in streets prohibited; penalty; proviso as to fires by builders; consent required of property owners on square where used; pavement to be protected from heat.

Snow.

76. To be removed from footways by property owners; not to obstruct gutters; penalty; to remove ice, etc., from gutters, etc.; penalty.

77. Salt not to be used to melt snow or ice without consent of Mayor; penalty.

Pistols and Firearms.

78. To be sold or loaned only as herein provided.

79. Distinguishing mark to be stamped on pistols sold, loaned, etc.

80. Name and address of purchaser to be given seller before delivery; record of mark and purchaser to be kept; inspection of record by Marshal of Police; monthly report to be made by seller, of sales, marks and purchasers.

81. Penalty for violating provisions of this sub-division.
82. Penalty for obliterating mark of identification.
83. Penalty for discharging fire-arms; liability of captains of vessels.
84. Penalty for sale of toy pistols.
85. Penalty for firing toy pistols.

Public Safety.

86. Bulky articles not to be thrown from windows; skids to be well secured; penalty; proviso in case of fire.
87. Playing bandy, ball, flying kites, throwing stones, etc., prohibited; penalty.
88. Lamps on bicycles and tricycles at night; penalty.
89. Penalty for coasting on bicycles, tricycles, etc.
90. Coasting on streets near where same are crossed by tracks prohibited; penalty.

Sales in Streets.

91. Penalty for hawking goods after ten P. M.
92. Penalty for obstructing passage along footways by soliciting purchasers of goods.
93. Sale of theatre, etc., tickets on streets forbidden; penalty.
94. Penalty for enticing purchasers from stores.

Sewers.

95. Penalty for placing paper, dirt, etc., in sewer inlets.

Sidewalks.

Fruit and Vegetable Substances.

96. Dangerous substances on sidewalks forbidden; penalty, fine and imprisonment.

97. Proprietors of places where fruit, etc., is sold to keep posted therein copy of provisions against said substances; penalty for failure to post notice.

Wheelbarrows, Vehicles, Etc., on Sidewalks.

98. Said vehicles on footways forbidden; proviso as to crossing footways; penalty.
99. Vehicles drawn by horses and mules not to cross sidewalks; exception; permit from Mayor; penalty.

Watering Sidewalks.

100. Streets on which prohibited between 8 A. M. and 6 P. M.; penalty.

Theatrical Exhibitions.

101. Penalty for indecent or blasphemous exhibitions.
102. Penalty for giving sparring exhibitions without permit.
103. Net-work for protection of trapeze and other performers.
104. Penalty for exhibiting without such protection.
Theatrical Posters, etc.
105. Defacing lawfully posted bills forbidden.
106. Penalty for defacing bills; consent of owner of property where bills are to be posted required; proviso as to bills which do not indicate date on which posted.

Trees.

107. Penalty for injury to, or destruction of trees along streets and in public grounds; City Engineer may remove trees which obstruct footways.

Various Street Regulations.

Parades in Streets.

- 108. Political parades ; not to carry transparencies or devices ; penalty.
- 109. Permit from Mayor required ; what permit must show ; penalty for parade without permit.
- 110. Parades of bands between six P. M. and six A. M. without permit forbidden ; bands not to play on streets and collect money therefor ; penalty.

Pianos.

- 111. Penalty for playing musical instruments on streets between 10.30 P. M. and 8 A. M.

Public Swings, Flying Horses, etc.

- 112. Public swings, flying horses, fakirs and public venders of

patent medicines prohibited ; penalty.

Vaults and Areas.

- 113. Apertures to vaults to be protected when left open ; requirements for such protection ; penalty.
- 114. Police to notify City Engineer when vaults and areas are being constructed.

Water.

- 115. Police to report violations of water regulations ; wasting of water, fire-plugs out of order, etc.
- 116. Water not to be discharged on streets while being repaved nor for two weeks thereafter ; penalty.
- 117. Recovery and disposition of fines and penalties collected under this Article.

BILLIARD TABLES AND BOWLING ALLEYS,

City Code, (1879) Art. 33, Sec. 3. City Code. (1893) Art. 33, Sec. 3.

1. Every game or games played upon billiard tables shall be deemed and considered unlawful, and are hereby prohibited, except only the game played with two balls, the game played with three balls, the game played with four balls, and the game commonly called pool, such being the usual games of billiards.

What games of billiards to be unlawful.

City Code, (1879) Art. 33, Sec. 4. City Code, (1893) Art. 33, Sec. 4.

2. It shall not be lawful for any person or persons who may have a permit or license to erect or keep a billiard saloon, or billiard table, as mentioned in the next preceding section, to allow any minor to play at any game in said saloon, or on any billiard table, under a penalty of ten dollars for the first offence, and twenty dollars for every subsequent offence.

Minors not to play.

City Code, (1879) Art. 33, Sec. 7. City Code, (1893) Art. 33, Sec. 7.

Not to play
after 11.30
P. M.

3. If any proprietor or proprietors of any bowling saloon, bowling alley, device or structure, shall suffer or allow any person or persons to play upon or use, in any manner whatever, such alley, device, or structure, after half-past eleven o'clock at night, and before sunrise in the morning, he, she, or they, as the case may be, shall forfeit and pay two dollars for each and every such offence.

Minors.

City Code, (1879) Art. 33, Sec. 8. City Code, (1893) Art. 33, Sec. 8.

Penalty for al-
lowing mi-
nors to play.

4. It shall be unlawful for any person or persons, who may have a permit or license, to erect or keep any such saloon, alley, or other device or structure, as mentioned in the next preceding section of this Article, to allow any minor to play at any game, under the penalty of ten dollars for the first offence, and twenty dollars for every subsequent offence.

BIRDS.

City Code, (1879) Art. 47, Sec. 123. City Code, (1893) Art. 48, Sec. 143.

Injury to in-
sectivorous
birds.

5. If any person or persons shall kill, or attempt to kill or in any manner injure or molest any sparrows, robins, wrens, or other small insectivorous birds, on any of the streets, lanes or alleys or public squares or parks in the city of Baltimore, or shall destroy or remove, or attempt to destroy or remove, any box or boxes placed in any tree or other suitable place in the city of Baltimore for the use of such birds, such person or persons, and any person or persons aiding or abetting them, shall severally forfeit and pay for each and every offence the sum of five dollars.

Bird boxes.

BLOWING WHISTLES.

Ord. 12, March 9, 1883. City Code, (1893) Art. 7, Sec. 112.

Blowing steam
whistles.

6. It shall not be lawful for the owner or owners of any factory, building, steamboat or locomotive, having a boiler with a steam whistle attached thereto, to permit said

steam whistle to be used or blown between the hours of six (6) P. M. of one day, and (7) A. M. of the day next ensuing, of each and every day of the year, under a penalty of five dollars (\$5) for each and every offence. This section not to apply to steamboats while running in a fog, or to those which are about to start on their trips.

BUILDING PERMITS.

Code Code, (1879) Art. 49, Sec. 26. City Code, (1893) Art. 50, Sec. 29.

7. Any person who has received a building permit from the Appeal Tax Court, as provided in section 17 of Article 38 of this Code, title "Taxes" and who shall refuse to exhibit said permit when thereto required by any police officer or officers of the city, shall forfeit and pay a fine of five dollars (\$5).

Fine for refusal to show permit to police.

City Code, (1879) Art. 49, Sec. 27. City Code, (1893) Art. 50, Sec. 30.

8. The Board of Police Commissioners are requested to instruct their officers to make diligent inquiry of all persons building within the limits of the city if they have procured the proper permits as herein required.

Police to inquire whether permits have been granted.

CATTLE, GOATS AND SWINE AT LARGE.

City Code, (1879) Art. 47, Secs. 140, 141. City Code, (1893) Art. 48, Secs. 180, 181.

9. It shall and may be lawful for all persons to kill or cause to be killed, or to seize and take and dispose of to his or their own use and benefit, any goat or goats running at large in any public street, lane or alley, or found within any of the public parks or squares of the city; should any goat be found running at large, as provided in this section, the owner or owners thereof shall forfeit and pay the sum of two dollars.

Goats at large may be killed or seized.

Penalty against owners.

DOGS AT LARGE.

Ord. 86, May 20, 1891. City Code, (1893) Art. 46, Sec. 35.

Dogs not to
run at large.

Penalty.

10. It shall not be lawful for any dog to run at large in any of the public squares of this city between the first day of April and the first day of November. The owner of any dog found running at large in the public squares shall be fined two dollars (\$2) for each offence, one-half of which shall be paid to the informer. Any dog so found running at large may be impounded by whomsoever may be witness of the offence, and said dog shall not be delivered up until the fine imposed by this section is paid. Five (5) days after a dog is taken up, it may be disposed of as provided in sections 20 and 24 of Article 41 of this Code, title, "Water Rents and Licenses."

DRIVING CATTLE, SHEEP OR SWINE THROUGH STREETS.

Ord. 15, March 14, 1882. Ord. 66, May 8, 1882. Ord. 25, April 19, 1883.
City Code, (1893) Art. 48, Sec. 158.

Hours for
driving.

11. It shall not be lawful for any person or persons to drive cattle or hogs through the avenues, streets and highways of the city except between the hours of eleven o'clock P. M. and four o'clock A. M., from the fifteenth day of April to the fifteenth day of October, and except between the hours of ten o'clock P. M. and eight o'clock A. M., from the fifteenth day of October to the fifteenth day of April.

Ord. 15, March 14, 1882. Ord. 66, May 8, 1882. Ord. 25, April 19, 1883.
City Code, (1893) Art. 48, Sec. 159.

Sheep.

12. It shall not be lawful to drive any sheep through the streets of this city, except between the hours of 5 o'clock A. M. and 12 o'clock M. on Mondays and Tuesdays, or at any time through Baltimore street, or alongside of any public square.

Ord. 15, March 14, 1882. Ord. 66, May 8, 1882. Ord. 25, April 19, 1883.
City Code, (1893) Art. 48, Sec. 160.

13. Any one violating the two next preceding sections Penalty.
shall be subject to a fine of twenty dollars for each and
every offence.

Ord. 42, March 26, 1902.

14. It shall be unlawful for any person or persons to Unlawful to
drive cattle.
drive cattle, sheep or hogs along or through any street,
lane or alley in the city of Baltimore, located east of
Payson street, west of Arlington avenue and south of
Riggs avenue; any person or persons who shall drive any
cattle, sheep or hogs along or through any of the streets, Punishment
for violation.
lanes or alleys, located within the boundaries mentioned
herein shall, upon conviction thereof, be subject and liable
to a fine of not less than five dollars (\$5) nor more than
twenty dollars (\$20) for each offence.

Ord. 15, March 14, 1882. Ord. 66, May 8, 1882. Ord. 25, April 19, 1883.
City Code, (1893) Art. 48, Sec. 161.

15. No cattle, sheep or hogs shall be driven at any time Baltimore
street; parks;
Sunday.
through the city on Sunday, nor shall any cattle, sheep or
hogs be driven at any time on Baltimore street, or by any
of the public squares of the city.

Ord. 15, March 14, 1882. Ord. 66, May 8, 1882. Ord. 25, April 19, 1883.
City Code, (1893) Art. 48, Sec. 162.

16. No drove of cattle shall consist of more than thirty, Number of cat-
tle in a
drove.
to which there shall be not less than three drivers; and if
a drove of cattle shall consist of six or less, there shall be
not less than two drivers.

Ord. 15, March 14, 1882. Ord. 66, May 8, 1882. Ord. 25, April 19, 1883.
City Code, (1893) Art. 48, Sec. 163.

17. No drove of sheep or hogs shall consist of more Number of
sheep or hogs
in drove.
than one hundred and twenty-five, to which there shall
be not less than three drivers.

Ord. 15, March 14, 1882. Ord. 66, May 8, 1882. Ord. 25, April 19, 1883.
City Code, (1893) Art. 48, Sec. 164.

Droves to be at
least three
squares
apart.

18. All droves of cattle, sheep or hogs, shall be driven not less than three squares apart.

Ord. 15, March 14, 1882. Ord. 66, May 5, 1882. Ord. 25, April 19, 1883.
City Code, (1893) Art. 48, Sec. 165.

Penalties.

19. Any person or persons who shall violate any of the provisions of sections 15 to 18, both inclusive, of this Article, shall be subject to a penalty of fifty dollars for each and every offence.

Ord. 15, March 14, 1882. Ord. 66, May 8, 1882. Ord. 25, April 19, 1883.
City Code, (1893) Art. 48, Sec. 167.

Further excep-
tions.

20. Sections 11, 12, 13, 15 and 16 of this Article, shall not apply to cattle, sheep or hogs arriving or intended for shipment by water, when being driven to and from shipping points located within the city limits.

Res. 157, May 15, 1882. City Code, (1893) Art. 48, Sec. 168.

Permission to
Conrad
Hohman.

21. Permission is granted to Conrad Hohman, doing business as Kienzle & Hohman, to drive his hogs from the Union Railroad depot to his slaughter-house, corner of Monument and Castle streets, at all hours, Sundays excepted.

City Code, (1879) Art. 47, Sec. 136. City Code, (1893) Art. 48, Sec. 169.

Hogs not to
stop or lie
down.

22. It shall not be lawful for any person or persons owning or driving any hogs through or in any of the streets, lanes or alleys of this city, wilfully to permit the same to stop or lie down therein; and any person or persons, or their agent or agents, who shall violate the provisions of this section, shall be subject to a fine of five dollars for each and every offence.

City Code, (1879) Art. 47, Sec. 137. City Code, (1893) Art. 48, Sec. 170.

23. It shall not be lawful for any person or persons to drive any cattle, sheep or hogs in any street, lane or alley

of Baltimore, except to slaughter-houses and shipping points within the limits of the city, under a penalty of five dollars per head for each and every offence; provided, that nothing in this section shall be so construed as to prohibit the use of the streets, lanes or alleys of the city necessary to the passage of animals from the cattle pens of the Baltimore and Ohio Railroad to the cattle scales and pens of the State of Maryland; provided, moreover, that it shall not be lawful for anyone to drive any cattle, swine or sheep through any street or parts of streets, except in conformity with the provisions of this sub-division of this Article.

Cattle, sheep or hogs to be driven only to slaughter-houses.

Ord. 74, April 28, 1880. Ord. 107, May 14, 1880. City Code, (1893) Art. 48, Sec. 171.

24. Nothing in this Code shall be so construed or interpreted as to interfere with or abridge the right of the owner or owners of the cattle and live stock pens, now on west Pratt street, Baltimore city, or of the owner or owners of the cattle and live stock pens, now located in Baltimore county, or those dealing in live stock in said county, (said dealers being residents of Baltimore city,) from driving their animals to and from said pens from and to any other point or place within or without said city; provided, however, that this section shall not apply to the driving of said animals through the streets, lanes or alleys of the city, as now prohibited by law.

Exceptions in favor of owners of certain cattle and stock pens.

Ord. 113, May 25, 1880. City Code, (1893) Art. 48, Sec. 172.

25. It shall not be lawful for any person to drive any cattle, hogs or sheep through Laurens, McMechen or Wilson streets, between Linden avenue and Park avenue or John street, or Gilmor street north of Lexington, under a penalty of twenty dollars for each violation of the provisions of this section.

Laurens, McMechen, Wilson and Gilmor streets.

Ord. 8, February 9, 1881. City Code, (1893) Art. 48, Sec. 173.

26. It shall not be lawful for any person or persons to drive any cattle, sheep or hogs eastwardly or westwardly

Boundary avenue.

on Boundary avenue, between Madison and Greenmount avenues, under a penalty of twenty dollars for each and every offence.

Ord. 11, February 16, 1881. City Code, (1893) Art. 48, Sec. 174.

Centre street.

27. It shall not be lawful for any person or persons to drive any cattle, sheep or hogs eastwardly or westwardly on Centre street, between Howard and Calvert streets, under a penalty of twenty dollars (\$20) for each and every offence.

Ord. 67, May 9, 1882. City Code, (1893) Art. 48, Sec. 175.

Milch cows
and calves to
pasturage.

28. It shall be lawful for any person to drive milch cows and calves to and from their stables to places of pasturage, and that it shall also be lawful for milch cows and calves to be delivered to or from any shipping point in the city.

Ord. 24, April 13, 1889. City Code, (1893) Art. 48, Sec. 176.

Driving to
Claremont
Stock Yards.

29. The driving of cattle, sheep and hogs to and from the Claremont Stock Yards is hereby restricted to Brunswick street, between Gwynn's Falls and Frederick avenue. Every violation of the provisions of this section shall be subject to a penalty of twenty dollars (\$20) for each offence.

Ord. 25, April 13, 1889. City Code, (1893) Art. 48, Sec. 177.

Saratoga street.

30. It shall not be lawful for any person to drive any cattle, sheep or hogs on Saratoga streets, between Greene and Calvert streets, under a penalty of twenty dollars for each violation of the provisions of this section.

Ord. 50, May 1, 1888. Ord. 105, May 31, 1890. Ord. 29, April 15, 1891.
Ord. 30, April 15, 1891. City Code, (1893) Art. 48, Sec. 177A.

Through
Fulton and
Wilkins ave-
nues, Mul-
berry street
and Wood-
berry.

31. It shall not be lawful for any person or persons to drive any cattle, hogs or sheep through Fulton avenue, between west Baltimore street and Edmonson avenue, at any hour of the day or night; nor through Wilkins avenue,

between Bentalou and Gilmor streets, at any hour of the day or night, nor through Mulberry street, between Charles and Greene streets; nor through the streets of Woodberry, between the hours of eleven o'clock A. M. and one o'clock P. M., and between the hours of three o'clock P. M. and five o'clock P. M., under a penalty of twenty dollars (\$20) for each and every offence.

FIRE REGULATIONS.

Fire Shutters.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 42.

32. Every fire-door or fire shutter shall be closed upon the completion of the business of the day by the occupant having the use or control of the same, and all fire-proof shutters must be so constructed that they can be closed and opened from the outside, above the first story. This section shall not apply to Government bonded warehouses, or warehouses when used for the storage of fruit.

How to be
closed.

Smoking Meat.

City Code, (1879) Art. 9, Sec. 15. City Code, (1893) Art. 9, Sec. 6.

33. It shall not be lawful to make or cause to be made any fire for the purpose of smoking any bacon or other meat in any warehouse or other building, except in houses built expressly for that purpose, and in the opinion of the Inspector of Buildings, made secure, so as not to endanger the adjoining property; and any person offending against the provisions of this section shall forfeit and pay the sum of twenty dollars, and the further sum of ten dollars, for each and every day the practice shall be continued.

Fires for
smoking
meat prohib-
ited.

Explosive or Inflammable Compounds under Stairways.

Ord. 146, October 23, 1891. City Code, (1893) Art. 7, Sec. 77, 79A.

Ord. 31, April 16, 1895.

34. No explosive or inflammable compound or combustible material shall be stored or placed under any stairway

No explosive or inflammable compound to be placed under stairways.

of any building, or used in any such place or manner as to obstruct or render egress hazardous in case of fire; the Board of Fire Commissioners shall see that the provisions of this section are enforced.

Ord. 146, October 22, 1891. City Code, (1893) Art. 7, Sec. 80. Ord. 54, March 10, 1904.

Aisles and passage-ways to be kept clear.

35. All aisles and passage-ways in buildings devoted to purposes of instruction or amusement, shall be kept free from camp stools, chairs, sofas, persons standing or crowding therein, and other obstructions, during any performance, services, exhibition, lecture, concert, ball or any public assemblage; all exits from any public building shall be opened for the use of every departing audience.

HEALTH REGULATIONS.

Nuisances in Streets.

City Code, (1879) Art. 23, Sec. 8. City Code, (1893) Art. 23, Sec. 17.

Police to execute orders of Commissioner of Health.

36. It shall be the duty of the police officers to execute all orders of the Commissioner of Health, so far as they may relate to the preservation of the health of the city.

Ashes, Deposits and Sand.

Ord. 57, May 6, 1887. City Code, (1893) Art. 48, Sec. 145.

Sand, ashes.

37. It shall be unlawful for any person or persons, or corporation, to deposit or scatter sand, ashes or other matter on any part of the streets or alleys of the city of Baltimore, excepting sidewalks thereof, in time of ice or sleet. Any person or persons, or corporation, violating the provisions of this section, shall forfeit and pay a fine of ten dollars for each and every offence; provided, that nothing in this section shall be so construed as to prevent city passenger railway companies from placing sand on their rails at heavy grades, nor where a street would be impassable, unless sand or ashes be placed therein, in which case sand and ashes may be temporarily used for such purpose.

Proviso; when sand and ashes may be used.

Ord. 33, March 21, 1892. City Code, (1893) Art. 46, Sec. 36.

38. It shall not be lawful for any person or persons whomsoever, or for any body corporate, to deposit or cause to be deposited in the space formed by Park avenue and Fayette and Liberty streets, any ice, snow, dirt, sand, stones, lumber or other material; and any person or persons or body corporate, violating the provisions of this section, shall forfeit and pay the sum of ten dollars for each and every offence, and the additional sum of ten dollars for each and every day that any article or articles deposited upon said space in violation of the provisions of this section shall remain thereon.

No deposits to be made upon space formed by Park avenue, Fayette and Liberty streets.

Penalty.

Fish.

City Code, (1879) Art. 53, Sec. 66. City Code, (1893) Art. 54, Sec. 66.

39. If any person shall clean, scale or wash any fish, meat, clothes, or any other thing which may be liable to create a nuisance, or render the street, lane or alley foul or unclean, near any of the public pumps, springs or fountains in the city; every person so offending shall forfeit and pay a sum not exceeding five dollars.

Nuisances near public pumps or fountains.

City Code, (1879) Art. 23, Sec. 50. City Code, (1893) Art. 23, Sec. 72.

40. All fish kept in the city shall be placed under a roof within twenty-four hours after landing and inspection, and kept under cover, under a penalty of one dollar a barrel for each and every day the same may remain on the streets or wharves of the city.

Fish under roof.

Garbage and Garbage Carts.

City Code, (1879) Art. 23, Sec. 94. City Code, (1893) Art. 48, Sec. 191.

41. It shall not be lawful for any person or persons engaged in the collection of offal or coal and other ashes, not employed by the city, to have a sign on his, her or their cart or carts, nor shall any bell or horns be used; and any person or persons violating the provisions of this section shall be fined one dollar for each and every offence.

No sign or bell on private carts.

City Code, (1879) Art. 23, Sec. 95. City Code, (1893) Art. 48, Sec. 192.

Penalty for
failure to re-
move gar-
bage.

42. If any person or persons engaged in the collection of offal or coal and other ashes, employed by the city, shall neglect or refuse to take and carry away any such offal or ashes set out as required by this Article, within six hours after he or they shall be informed or be aware of the same being so set out, he or they shall be subject to a penalty of one dollar for each and every such neglect or refusal.

Ord. 38, April 28, 1891. City Code, (1893) Art. 48, Sec. 195.

Regulations as
to garbage
carts.

43. No cart or other vehicle for carrying any offal, swill, garbage, rubbish and animals or parts thereof, of itself offensive, or having upon it, or contained in it any thing or substance of a noxious or offensive character or odor shall without necessity therefor, stand or remain, nor shall a needless number gather before or near any place of business or building, or other premises where any person may be; nor shall any such cart or vehicle occupy an unreasonable length of time in loading or unloading, or in passing along any street, or through any inhabited place or ground; nor shall any such cart or vehicle or driver thereof, or anything thereto appertaining, be (or by any person having a right to control the same be allowed to be), in a condition needlessly filthy or offensive; and when not in use, all such carts, vehicles and all implements used in connection therewith shall be stored and kept in some place where no needless offence shall be given.

Ord. 38, April 28, 1891. City Code, (1893) Art. 48, Sec. 196.

Carts to be
strong and
tight.

44. All carts or vehicles for carrying noxious or offensive substances, boxes, tubs and receptacles in which any noxious or offensive substance may be, or may be carried, shall be strong and tight, and the sides shall be so high above the load or contents that no part of such contents or load shall fall, leak or spill therefrom, and the cart, vehicle or vessel carried by it shall be so covered as to be inoffensive.

Ord. 38, April 28, 1891. City Code, (1893) Art. 48 Sec. 197.

45. No driver of such cart or vehicle, nor any person having undertaken or being engaged about the loading or unloading thereof; nor person engaged about the cleaning or employing or having undertaken to empty or remove any garbage, offal or any noxious or offensive substance, shall do or permit to be done about the same, or in connection therewith, that which shall be needlessly offensive or filthy in respect to any person, street, place, building or premises. Cleanliness required.

Ord. 38, April 28, 1891. City Code, (1893) Art. 48, Sec. 198.

46. No person shall allow any cart or vehicle to be so fully loaded or being in such bad condition of repair or of such faulty construction, or being so improperly drawn or managed, that any offensive liquid or any garbage, rubbish, offal, dirt or material thereon, shall escape, leak or fall therefrom upon or in any street, lane, alley, place or premises; and it shall be the duty of every such person to at once replace on such vehicle and remove whatever has so escaped, leaked or fallen therefrom. No garbage, &c., to be dropped in streets.

Ord. 38, April 28, 1891. City Code, (1893) Art. 48, Sec. 199. Ord. 97. March 19, 1906.

47. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists any of the provisions of sections 43 to 46, inclusive of this Article, shall be subject to a fine of not more than twenty dollars (\$20), for each offence; provided, that the provisions of said sections shall apply to the removal of stable manure, only so far as overloading and spilling on the streets. Penalty.

City Code, (1879) Art. 23, Sec. 98. City Code, (1893) Art. 48, Sec. 200.

48. The owner of every cart, wagon or other carriage employed in removing or carrying any sand, ashes, dirt, gravel, loam, earth, manure, filth, stone, brick or coal, over any of the streets, lanes or alleys of the city, shall have and keep the same in such tight and secure condition Carts to be kept tight and secure when conveying rubbish, filth, and other things causing litter.

as that such ashes, sand, dirt, gravel, loam, earth, manure, filth, stone, bricks or coal shall not be scattered or suffered to fall on any of the streets, lanes or alleys aforesaid, under the penalty of two dollars.

City Code, (1879) Art. 23, Sec. 99. City Code, (1893) Art. 48, Sec. 202.

Police to report
neglect of
duty.

49. It shall be the duty of the police officers to report to the Commissioner of Street Cleaning all cases of neglect or refusal on the part of the driver of any garbage cart, to remove any garbage from any premises, when the same shall be properly placed on the footway.

Gutters.

City Code, (1879) Art. 47, Sec. 124. City Code, (1893) Art. 48, Sec. 144.

Water from
gutters not
to be thrown
on streets.

50. No person or persons shall cast water contained in the gutter or gutters of any street, avenue, lane or alley, upon the bed or paved portion of such street, avenue, lane or alley, by means of a scoop, shovel, watering-pot, or by any other means or contrivance whatsoever, and any person or persons who shall violate the provisions of this section, shall forfeit and pay the sum of five dollars for each and every offence provided, that no portion of this section shall in any way impair the privileges accorded to builders by the provisions of Article 3 of this Code.

City Code, (1879) Art. 23, Sec. 31. City Code, (1893) Art. 23, Sec. 47.

Gutters to be
kept clean.

51. It shall be the duty of each and every occupier of any house, or owner of any lot within the city limits, fronting a paved street, lane or alley, to keep the gutter in front of said house or lot clean at all times; and each and every person herein offending shall forfeit and pay for each offence one dollar, notice having first been given to said person.

Offensive Fluids in Streets.

City Code, (1879) Art. 23, Sec. 32. City Code, (1893) Art. 23, Sec. 48.

52. If any person shall cast or throw, discharge or cause to flow into any of the streets, lanes or alleys of this city, any blood or foul or nauseous liquor, or other liquid or offensive matter which is likely to become a nuisance, or shall keep, collect, use or suffer to remain on his or her premises any nauseous liquor, stagnant water or other offensive matter, he, she or they so offending shall forfeit and pay for each and every such offence a sum not exceeding twenty dollars.

Nauseous
liquors, etc.,
in streets.

Ord. 112, May 18, 1880. City Code, (1893) Art. 23, Sec. 49.

53. It shall not be lawful for any person or persons, owner or owners of any coal oil refinery to permit any refuse coal oil matter, or other offensive liquid, which is likely to become a nuisance, to flow into any of the streets, lanes or alleys of the city of Baltimore, under a penalty of twenty dollars for each and every such offence.

Refuse coal oil
matter.

Slop Carts.

City Code, (1879) Art. 23, Sec. 49. City Code, (1893) Art. 23, Sec. 71.

54. Every person who shall place or cause to be placed any slop cart on any footway, or place any trough across any footway, for the purpose of filling or emptying any slop cart, shall forfeit and pay the sum of one dollar for each and every offence.

Slop carts
or troughs
on footways.

Sprinkling and Sweeping Streets.

Ord. 78, May 18, 1882. City Code, (1893) Art. 48, Sec. 157.

55. Any person or persons who shall sweep the bed of the street beyond the gutter without first sprinkling the same sufficiently with water to prevent the dust from rising, shall be fined the sum of one dollar for each offence.

Streets to be
sprinkled be-
fore being
swept.

See, note, page 394, City Code, (1879.)

LANDMARKS OF STREETS.

Ord. 144, November 2, 1904.

Penalty for disturbing, etc., landmarks.

56. Any one who shall unlawfully remove, mutilate, or in any manner disturb any of the landmarks established throughout the the city of Baltimore by the City Engineer for the purpose of fixing and marking the lines of the public streets, lanes and alleys within the city of Baltimore shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each and every offence.

LAMPS, LAMP POSTS AND PILLARS.

City Code, (1879) Art. 47, Sec. 90. City Code, (1893) Art. 48, Sec. 101.
Ord. 18, March 8, 1894.

Interference with lighting of streets, etc.

57. It shall not be lawful for any person or persons other than such persons as are legally authorized for that purpose to light or extinguish any of the public lamps of the city of Baltimore, or to turn the stop-cock of any such public lamps, or to do any other thing to increase or diminish the flow of gas or oil therein, or to attach anything to any public lamp or lamp post, or to interfere in any way with the lighting of the streets, lanes, alleys or sidewalks of the city of Baltimore, or to remove or in any way damage any public lamp or lamp post in said city or, to post or paste any notice or advertisement on any such lamp or lamp post; and any person violating the provisions of this section shall forfeit and pay the sum of five dollars (\$5) for each and every offence, and in addition shall pay the costs of all damage to said lamp or lamp post.

City Code, (1879) Art. 47, Sec. 88. City Code, (1893) Art. 48, Sec. 99.

Injury to lamps, etc.

Penalty.

58. If any person or persons shall injure or destroy any lamp post, pillar or lamp, or any other public property of any kind, he or they shall forfeit and pay a sum not exceeding ten nor less than five dollars, and also pay the expense of renewing or repairing the same.

MALICIOUS DESTRUCTION OF PROPERTY.

Ord. 146, October 23, 1891. Ord. 208, May 13, 1899. City Code, (1893)
Art. 7, Sec. 91.

59. If any person or persons shall wilfully and maliciously destroy, injure or deface any house or premises within the city, or any article of furniture or other chattel in any house or premises in the city, or any fence or enclosure or any other appurtenances belonging to any house or premises in the city, such person or persons shall, for each and every such offence, forfeit and pay not less than ten nor more than twenty dollars, and shall, moreover, be liable to pay all expenses of repairing the said injury or injuries.

Malicious injury to houses or fences.

Ord. 50, April 28, 1882. City Code, (1893) Art. 46, Sec. 23.

60. It shall not be lawful for any person or persons to walk upon or otherwise injure the grass, trees or shrubbery upon the squares around Washington Monument, known as Mount Vernon Place and Washington Place. All persons guilty of violating the provisions of this section, shall be subject to a fine of one dollar for every offence.

No trespass on grass or shrubbery.

MONUMENTS.

City Code, (1879) Art. 45, Sec. 1. City Code, (1893) Art. 46, Sec. 1.

61. If any person shall injure or deface the Washington or Battle monuments, their ornamental figures or sculpture, or the enclosure or railing around either of them, such person shall, for every such offence, forfeit and pay a sum not exceeding twenty dollars, and shall, moreover, be liable to pay all expenses in repairing the said injury or injuries.

Penalty for injuries to Washington or Battle monuments.

MUSEUMS OF ANATOMY.

Ord. 74, May 8, 1896.

62. It shall not be lawful for any person to display or expose in any show window or window of any building, or in any showcase, or in any manner whatsoever, on any avenue, street, lane or alley in Baltimore city, a museum

Not to expose or display any part of museum in show window.

or any part of a museum of anatomy; any person wilfully exposing or displaying any such museum or any part of said museum of anatomy, shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of not more than twenty dollars (\$20) and not less than five dollars (\$5).

Penalty.

NEWSPAPER REPRESENTATIVES.**

Ord. 132, September 26, 1894.

63. The Journalists' Club of Baltimore City, a body corporate under the laws of Maryland, is authorized to adopt and issue to any active writer on a reputable daily newspaper in the city of Baltimore, and to the representatives of the press associations recognized as newsgathering agencies, badges of appropriate design and consecutively numbered; such badges to be subject to the approval and endorsement of the Board of Police Commissioners of Baltimore City, and of the Board of Fire Commissioners of Baltimore City, and to be constantly under the control and supervision of the said Journalists' Club of Baltimore City, and governed by rules formulated by that organization.

Authority to
issue badges.

Ord. 132, September 26, 1894.

64. Whenever any person to whom the badge has been issued shall be guilty of a misuse of such badge, or an abuse of the privilege conferred thereby, such badge shall be taken from such person by the revocation of his lease by the said Journalists' Club and the return of the consideration therefor.

Relating to
the misuse of
badges.

Ord. 132, September 26, 1894.

65. Any person who shall obtain or attempt to obtain any privileges by the misuse, fraudulent use, duplication or counterfeit of such badge, or who shall in any wise impose upon the police or other public authorities or officials by means of such badge shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one dollar or more than ten dollars.

Relating to ob-
taining priv-
ileges by
the misuse,
etc., of
badges.

Penalty.

**NOTE.—It may be questioned whether the New City Charter authorizes this legislation.

Ord. 132, September 26, 1894.

66. Any person who shall duplicate or counterfeit any badge or badges adopted by the Journalists' Club of Baltimore City, as provided herein, for the purpose of obtaining or enabling others to obtain any of the privileges accorded to the authorized wearers of such badges, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars.

Relating to
duplicating
or counter-
feiting
badges.

Penalty.

OBSTRUCTIONS IN STREETS.

City Code, (1879) Art. 47, Sec. 116. City Code, (1893) Art. 48, Sec. 135.

67. No person or persons shall in any manner obstruct any of the streets, lanes or alleys of the city, or the gutters thereof, except in the immediate act of moving or removing some article in the way of their trade or business, or for the use of their families; every person so offending shall forfeit and pay the sum of one dollar.*

Obstructions
in streets
or gutters.

Barrels, Boxes, Crates and Hogsheads.

City Code, (1879) Art. 47, Sec. 115. City Code, (1893) Art. 48, Sec. 134.

68. If any person or persons shall place or cause to be placed, in any street, lane or alley in the city, any barrel, hogshead, box, crate or other package, and shall suffer the same to remain for a longer time than twelve hours, or in any instance after sunset, every person so offending shall forfeit and pay one dollar, and the further sum of one dollar for every day the same shall be suffered to remain, and in no case shall any person be permitted to use more space than one-half of the foot pavement by placing the above named articles thereupon, under a penalty of one dollar for each and every offence.

Boxes, barrels
or packages.

*NOTE.—In relation to obstruction of sidewalks and streets, see, Baltimore City v. Walker, 98 Md. 637 and Brauer v. Baltimore Refrig. Co., 99 Md. 367.

Dangerous and Unhealthy Substances.

City Code, (1879) Art. 23, Secs. 41, 101. Ord. 94, June 17, 1886. City Code, (1893) Art. 23, Secs. 58, 104. City Code, (1893) Art. 48, Secs. 157A, 204. Ord. 46, March 22, 1893.

Certain articles
not to be
thrown into
streets, &c.

69. It shall not be lawful for any person, persons or corporation, to place, deposit, cast or throw any hoops, wire, glass, boards or other wood with nails, or nails of any kind which may be dangerous to horses' feet, or any dead animal, manure, offal, garbage, ashes, fruit skins, dirt, filth, shavings, rubbish, noxious fluid or substance, or litter, oyster shells, clam shells, paper, sweepings or refuse of any kind whatever, upon or into any gutter, street, alley, lane, market place, wharf or other public place within the limits of this city; except when the same may have been removed from his, her, their or its premises for immediate removal from any gutter, street, alley, lane, wharf or other public place aforesaid.

Ord. 46, March 22, 1893. City Code, (1893) Art. 48, Sec. 157B.

Certain articles
not to be
kept upon
streets, &c.

70. It shall not be lawful for any person or persons to have, keep or maintain upon any street, lane, alley or other public place within the limits of this city, any box, bin, barrel or other receptacle for the reception of garbage, ashes, litter or rubbish of any sort, except that in order to facilitate the removal of garbage and ashes, it shall be lawful for the occupant of any premises to place daily upon the sidewalk in the rear of such premises, or in front of premises to which there is no rear entrance accessible to the drivers of the city garbage carts, suitable boxes or vessels as by ordinance prescribed for garbage and ashes, and to allow the same to remain until emptied by the drivers of the city garbage carts, provided that such boxes or other vessels shall in all cases be removed from the sidewalk within one hour after they shall have been emptied by the drivers of the city garbage carts.

Boxes for gar-
bage.

Ord. 46, March 22, 1893. City Code, (1893) Art. 48, Sec. 157C.

Sidewalks to
be kept un-
obstructed.

71. Every occupant of any premises within the city, and the owner of premises that may be vacant, shall be

required to keep the sidewalk bounding upon such premises and the gutters belonging thereto, open and free from obstructions.

Ord. 46, March 22, 1893. City Code, (1893) Art. 48, Sec. 157D.

72. If any of the substances mentioned in section 69 of this Article are thrown or carried from any house, warehouse, shop, cellar, yard or other place, and left in any of the places specified in said section, the occupant of such house, warehouse, shop, cellar, yard or other premises, or owner thereof, if vacant, and the person who actually threw, carried or left the same, or who caused the same to be thrown, carried or left, shall severally be held liable for a violation of section 69 of this Article; and every wilful violation of the three next preceding sections of this Article shall be punished by a fine of not less than two dollars nor more than ten dollars, or by imprisonment in the city jail for not more than five days.

Penalty for violation of three preceding sections.

Dirt, Lumber, etc.

City Code, (1879) Art. 47, Sec. 119. City Code, (1893) Art. 48, Sec. 139.

73. If any person or persons shall place or cause to be placed within the streets, lanes or alleys of the city, any dirt, lumber or other obstruction to the free egress or ingress through such street, lane or alley, and shall permit the same to remain more than twenty-four hours after being notified by the City Engineer or any of the police officers to remove the same, he, she or they shall be subject to a fine of five dollars for each day it shall so remain; and the City Engineer is hereby authorized and empowered to remove, or cause to be removed, all manner of obstructions to the passage through the streets, lanes or alleys which he shall find remaining in the same an unnecessary length of time; and all expenses incurred shall be chargeable to the person or persons who shall violate the provisions of this section.

Builders' Materials and Enclosures in Streets.

City Code, (1879) Art. 7, Sec. 14. City Code, (1893) Art. 7, Sec. 116.
Ord. 106, March 30, 1906.

Builders' privilege to use streets.

74. It shall and may be lawful for any person employed in building or repairing any house to occupy one-third of any street, lane or alley of the city, clear of the footways in front of any lot on which such buildings are being erected or repaired, with the materials necessarily used in erecting and repairing such buildings, until the same be covered or repaired, and sixty days thereafter, and no longer, under the penalty of forfeiting one dollar for each and every day the same shall be suffered to remain thereafter; also, to use and occupy one-third part of such street, lane or alley in front of such lot with plastering, mortar and other materials necessary for plastering such house or building, for ninety days, and no longer, under a penalty of one dollar for each and every day the same shall be suffered to remain thereafter; provided, however, that on streets, lanes or alleys where street railway tracks are now located, or shall hereafter be constructed, no materials necessarily used in erecting and repairing buildings or materials necessary for plastering such buildings, shall be placed nearer to the outer rail of said street railway tracks than three feet; and if any person or persons shall occupy more than one-third of the width of any street, lane or alley without permission of the Mayor, or shall place building material or plastering material nearer than three feet to the outer rail of any street railway tracks, he, she or they shall be subject to a fine of not less than one dollar nor more than five dollars for each and every day the same shall be suffered to remain. It shall and may be lawful for any person employed in building or repairing any house to enclose the front part thereof, provided the said enclosure does not project more than four and a half feet on the foot-way or remain more than sixty days after the house is covered, without the permission of the City Engineer; and any person offending against these provisions shall be subject to a penalty of five dollars for each and every day the said enclosure shall remain.

Penalty,

Fires and Horses in Streets.

City Code, (1893) Art. 48, Sec. 140. Ord. 118, July 25, 1896. Ord. 155, October 29, 1896.

75. If any person shall cause any horse, mare, gelding or mule to stand in any of the streets, lanes or alleys within the city limits, whether he is shoeing or preparing to shoe or tightening the shoes of any such horse, mare, gelding or mule, or shall make any fire in any street, lane or alley, every such person shall forfeit and pay a sum not exceeding ten dollars (\$10); provided, that it shall and may be lawful for any person to kindle and use a fire made of charcoal or coke on any street, lane or alley in the city of Baltimore for the purpose of preparing any article to be used in the construction of any house, cellar, or pavement, if not made more than one-fourth the width of the street, lane or alley in front of the property to be improved or occupied, and for no longer time than six days at any one place. But no such fires shall be kindled, made or used without the consent of the persons occupying the property on the square on which said house, cellar, pavement or other improvement is to be made, shall be first obtained and filed with the City Engineer; nor until special appliances to protect the paving from heat, to the satisfaction of the City Engineer, shall have been first provided, and his approval thereof in writing obtained.

Relating to horses standing in streets or making fire therein.

Penalty.

Proviso.

Conditions under which fire may be used.

Snow.

City Code, (1879) Art. 47, Sec. 125. City Code, (1893) Art. 48, Sec. 147.

76. It shall be the duty of each and every person, incorporated society, public institution or other corporation, using or occupying in any manner, or for any purpose whatsoever, any house, store, shop, stable or tenement of any kind, and of persons having charge of churches and public buildings of every description, and of owners of unoccupied houses and unimproved lots, situate on any paved street, lane or alley in the city, within three hours after the fall of any snow, (unless the snow shall have ceased to fall between the hours of three o'clock in the afternoon and six in the

Removal of snow.

morning, in which case it shall be removed before eleven o'clock in the morning), to remove and clear away, or cause to be removed and cleared away, the same from the foot pavements fronting the respective houses, stores, shops, stables, churches; buildings or lots so used, occupied or owned by them, or under their charge, in such manner as not to obstruct the passage of the water in the gutters, under a penalty of two dollars for every neglect, beside the expense of cleaning the same away by the Commissioner of Street Cleaning pursuant to section 2 of Article 36, title "Street Cleaning." And it shall further be the duty of the said persons, corporations, their agent or agents to keep the gutter or gutters leading to, and the pavements or sidewalks situate in front, or at the rear or sides of such tenements above enumerated, free from ice and every obstruction of whatever nature; and every such owner, tenant or person having in charge such premises who shall fail to remove any such obstruction by ice or any other cause, for three hours after notification duly served on him, her or them by any police officer of the district, shall forfeit and pay two dollars for such failure, and one dollar additional for each and every day the obstruction may continue.

Mayor *v.* Marriott, 9 Md. 160. Altvater *v.* Mayor, 31 Md. 462. Flynn *v.* Canton Co., 40 Md. 312. Brotherton *v.* Police Board, 49 Md. 495.

Ord. 5, November 14, 1885. City Code, (1893) Art. 48, Sec. 149.

77. No person or persons, or corporation, shall cast, throw, sprinkle or place salt or any saline substance upon any pavement, street, lane, alley, or car track whatever, within the corporate limits of the city of Baltimore, for the purpose of removing or melting ice or snow, without the consent, in writing, of the Mayor first had and obtained, such consent to be given by the Mayor in cases of absolute necessity; any person or persons or corporation violating the provisions of this section shall be liable to a penalty of not less than fifty dollars nor more than one hundred dollars for each square or part of square upon which salt or any other saline substance may be cast, thrown, sprinkled or placed.

Salt not to
be used to
melt ice or
snow.

PISTOLS AND FIREARMS.

Ord. 25, November 18, 1905.

78. It shall be unlawful for any person in the city of Baltimore to offer for sale, sell, give, purchase or loan any firearm, commonly known as a pistol or revolver except it be in accordance with the provisions and regulations of the two next succeeding sections of this Article.

Regulating sale of firearms.

Ord. 25, November 18, 1905.

79. The person before giving, loaning or selling a pistol or revolver shall stamp or affix, or have stamped or affixed (if not already so stamped or affixed,) upon some conspicuous part of said pistol or revolver, an ineffaceable mark of identification, such as the name of the manufacturer, the style of the pistol, or any other distinctive sign or number which will specifically individualize each pistol from any and all other pistols or revolvers of like make, caliber or similarity of shape.

Distinguishing mark to be stamped on pistols or revolvers.

Ord. 25, November 18, 1905.

80. The person giving, loaning or selling said pistol or revolver, before delivering the same, shall first ascertain the name and residence of the party to whom the delivery is made, and after ascertaining the name and address of the borrower, purchaser or donee of any pistol or revolver, or the one to whom said pistol or revolver may be delivered, shall be required to keep a written register of the name and residence of every borrower, purchaser or donee of any such pistol or revolver, together with the sign, name or other mark of pistol identification, which register shall be subject to the inspection of the Marshal of Police of Baltimore, or other person by him authorized in that behalf, and further, shall make a report on or before the first Tuesday in each and every month, under oath, to the said Marshal of Police, of all said sales, loans or gifts made during the preceding month, together with the name, residence and sign of identification of said pistol or pistols,

Records of marks and purchaser to be kept.

Inspection of such records by Marshal of Police.

Reports to Marshal of Police.

sold, loaned or donated, which said report shall be preserved in a special record kept for that purpose, in the office of the Marshal of Police.

Ord. 25, November 18, 1905.

Penalty for violating provisions of foregoing sections.

81. Any person or persons who shall violate any of the provisions of the three next preceding sections of this Article, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than ten dollars for the first offence, and to a fine of not less than ten dollars nor more than fifty dollars for the second offence, and to a fine of not less than fifty dollars, nor more than one hundred dollars (\$100) or to imprisonment in the Baltimore City Jail for a period of sixty days, or both in the discretion of the court, for the third or oftener repeated offence.

Ord. 25, November 18, 1905.

Penalty for oblitterating marks of identification

82. Any person changing, destroying or defacing the sign, number or other marks of identification stamped or affixed to any pistol in compliance with section 79 of this Article shall be deemed guilty of a misdemeanor, and shall be subject to a fine of twenty-five dollars or imprisonment in the Baltimore City Jail for a period of thirty days, or both in the discretion of the court.

City Code, (1879) Art. 47, Sec. 112. City Code, (1893) Art. 48, Sec. 129.

Discharging firearms.

83. If any person shall fire or discharge any gun, pistol or firearms within the city, unless it be on some occasion of military parade, and then by order of some officer having the command, every such person for every such offence shall forfeit and pay a sum not exceeding five dollars; and if any gun, pistol or firearms shall be discharged from on board any vessel within the harbor of Baltimore, the captain of the vessel, as well as the offender, shall be liable to the said penalty.

Ord. 120, November 1, 1881. City Code, (1893) Art. 48, Sec. 130.

84. It shall not be lawful for any person or persons to Toy pistols. sell, give away or dispose of in any manner, what is known as “the toy cartridge pistol” within the limits of the city of Baltimore under a penalty of ten dollars for each and every offence.

Ord. 120, November 1, 1881. City Code, (1893) Art. 48, Sec. 131.

85. Any person or persons who shall fire off what is Penalty. known as “the toy cartridge pistol” within the limits of the city of Baltimore, shall be subject to a fine of two dollars for each offence.

PUBLIC SAFETY.

City Code, (1879) Art. 47, Sec. 128. City Code, (1893) Art. 48, Sec. 150.

86. It shall not be lawful for any person to throw any Bulky articles not to be thrown from windows. bale or bulky article from the second or higher story door or window into the street, or to use, or cause to be used, in or upon any street, lane or alley, wharf or place of public resort, any sliding board, skid, or other device or Use of skids. contrivance, for the purpose of receiving or delivering merchandise, without having the same well secured, so as to prevent the same from slipping; and every person who shall offend in manner aforesaid shall pay for every such offence the sum of twenty dollars; provided, that this section shall not be construed to extend to the removing of any merchandise or other article in case of danger by fire or other casualty.

City Code, (1879) Art. 47, Sec. 129. City Code, (1893) Art. 48, Sec. 151.

87. It shall not be lawful for any person to play at Bandy, kites, and throwing stones. bandy or ball, to fly a kite, or throw a stone or any other missile within the city, or in any street, lane or alley opened for public use within the limits of the city, under a penalty of one dollar for each offence.

Ord. 130, June 11, 1890. City Code, (1893) Art. 48, Sec. 152.

Bicycles and
tricycles.

88. It shall not be lawful for any person or persons to propel a bicycle or tricycle in the public streets or public parks of the city at night, unless each and every bicycle or tricycle so propelled shall be provided with a lighted lamp or lantern when ridden after dark, under a penalty of a fine of five dollars (\$5) for each and every offence; provided, that the terms of this section shall not apply to children under fifteen years of age.

Ord. 4, December 18, 1893.

Not lawful to
coast on bi-
cycles, etc.

89. It shall not be lawful for any person or persons riding upon a bicycle, tricycle or velocipede on any of the streets of the city of Baltimore to coast upon the said vehicle within the built up portions of the city, and all persons so riding shall keep their feet upon the pedals and a hold upon the handle of said vehicle, so as to have the same under proper control to avoid accidents; all persons violating the provisions of this section shall be fined not less than two dollars (\$2) and not more than five dollars (\$5) for each and every offence.

Penalty.

See, Hagerstown v. Klotz, 93 Md. 437.

Ord. 41, April 29, 1895.

Coasting on
streets near
where same
are crossed
by tracks,
prohibited.

90. Any person who shall coast down or upon any street, alley or other public highway within two hundred feet of the place where the same is crossed or intersected by the tracks of any steam railroad, or by the tracks of any city passenger railway, upon which cars are propelled by any species of mechanical traction, or who shall coast down or upon any street, alley or other highway upon which any such tracks are laid or maintained, shall forfeit and pay a fine of two dollars for each and every offence.

Penalty.

SALES IN STREETS.

Ord. 34, March 5, 1900.

Hawking
goods in
streets
after 10 P. M.
forbidden.

91. It shall be unlawful for any person to sell any goods, wares, produce or merchandise through the streets of Baltimore after 10 o'clock P. M., by calling out the

names to attract attention to such goods, wares, produce or merchandise; any person violating the provisions of this section shall, upon conviction thereof, be liable to a fine of Penalty. not less than one nor more than five dollars.

Ord. 139, July 3, 1889. City Code, (1893) Art. 48, Sec. 155.

92. Any person who shall be found in any of the streets Soliciting purchasers on streets. or highways, or upon any sidewalks or footways, engaged in obstructing the passage along any of the said streets or highways, or upon any of the said sidewalks or footways by catching hold of, or soliciting persons, or in any way interfering with their free passage along said streets, highways, sidewalks, or footways, for the purpose of inducing or compelling them to buy any article or thing from any store or stand or any livery or sale stable, shall be subject to a fine of ten dollars for each and every offence.

Ord. 23, December 4, 1903.

93. It shall not be lawful for any person or persons to Forbidding sale of theatre tickets on streets. sell, barter or exchange, or offer for sale, barter or exchange, upon the public streets or highways, tickets of admission to any theatre or circus; any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction, shall be Misdemeanor. punished by a fine of ten dollars (\$10) for every such offence.

Ord. 139, July 3, 1889. City Code, (1893) Art. 48, Sec. 156.

94. Any person remaining in front of or entering any Enticing from stores, purchasers. store where goods are sold at retail, or any livery or sale stable, for the purpose of enticing away or in any manner interfering with any person or persons who may be in front of or who may have entered therein for the purpose of buying, shall be subject to a fine of twenty dollars for each and every offence.

SEWERS.

Ord. 10, February 24, 1894.

Prohibit
throwing
waste matter
into sewers.

95. If any person or persons shall carelessly throw, sweep or place any waste paper, street sweepings, garbage, dirt, or other matter into any inlet of any sewer made or hereafter to be made in the city of Baltimore, he, she or they shall forfeit and pay a fine of not less than two dollars nor more than five dollars for each offence.

SIDEWALKS.*Fruit and Vegetable Substances.*

Ord. 15, February 28, 1894.

Dangerous
substance on
sidewalk.

Misdemeanor
and penalty.

96. Any person who shall cast, throw or deposit on any sidewalk or crosswalk in any street, avenue, alley or public place within the city limits of the city of Baltimore any part or portion of any fruit, vegetable or other substance, which when stepped upon by any person is liable to cause or does cause him or her to slip or fall, shall be guilty of a misdemeanor, and on conviction thereof before any magistrate, shall be punished by a fine of not less than one dollar nor more than five dollars, or in default of the payment of such fine, by imprisonment of not less than one day nor more than ten days in the Baltimore City Jail at the discretion of the court.

Ord. 15, February 28, 1894.

Copy of ordi-
nance to be
posted in
sight.

97. The proprietor of every stand, store or other place where fruit or other substances mentioned in the next preceding section of this Article are sold, shall keep suspended therein or posted thereon in some conspicuous place constantly, a copy of the next preceding section of this Article printed in large type, so that the persons purchasing such fruit, vegetable or other substances may become aware of its provisions; and every such proprietor or agent refusing or neglecting to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of five

dollars for such neglect, or in default of payment thereof by imprisonment in the Baltimore City Jail for not less than ten days or more than thirty days at the discretion of the court.

Wheelbarrows, Vehicles, etc., on Sidewalks.

City Code, (1879) Art. 47, Sec. 118. City Code, (1893) Art. 48, Sec. 137.

98. No person shall wheel any wheelbarrow, or draw or push a hand cart along any of the footways of the streets, lanes or alleys of the city, or place one on the same, under the penalty of one dollar; provided, that nothing in this section shall be constructed to prevent any person from using a wheelbarrow or hand cart in removing any articles of merchandise, or materials necessary for building, or family use, across the said footways.

Wheelbarrows
and carts on
footways.

Ord. 33, April 17, 1885. City Code, (1893) Art. 48, Sec. 138.

99. It shall not be lawful for vehicles of any description, drawn by horses or mules, to be backed or drawn on or over the sidewalks of the city, unless the kerbing of said sidewalks be lowered to grade and the sidewalks so paved and arranged to allow the passage of such vehicles, without special permission from the Mayor in each case. Any person or persons violating the provisions of this section, shall be subject to a fine of five dollars (\$5) for each and every offence.

Vehicles on
sidewalks.

Watering Sidewalks.

Ord. 134, June 12, 1890. City Code, (1893) Art. 48, Sec. 146. Ord. 12, February 24, 1894. Ord. 105, May 28, 1894. Ord. 111, June 6, 1894.

100. It shall be unlawful for any person or persons to cleanse by the use of water the sidewalks upon the following streets between the hours of eight A. M. and six P. M. Baltimore street from Harrison street to Carey street, Holliday street between Baltimore and Lexington streets, Calvert street between Baltimore and Monument streets, Charles street between Baltimore and Preston streets,

Hours.

Names of
streets.

Penalty.

Howard street from Baltimore street to Monument street, Eutaw street from Baltimore street to Franklin street, Lexington street from Paca street to Charles street, Fayette street from Charles street to Paca street; and any person or persons violating the provisions of this section shall be subject to a fine of five dollars (\$5) for each and every offence.

THEATRICAL EXHIBITIONS.

City Code, (1879) Art. 51, Sec. 1. City Code, (1893) Art. 52, Sec. 1.

Penalty for indecent exhibitions.

101. Every person who shall within the city of Baltimore act, exhibit, show or perform in, or cause to be acted, exhibited, shown or performed, or be in any manner concerned in the acting, exhibition, showing or performance of any indecent or blasphemous play, farce, opera, public exhibition, show or entertainment or performance whatsoever, or of any indecent or blasphemous part of any play, farce, opera, public exhibition, show, entertainment or performance whatsoever, shall forfeit and pay for every such offence the sum of twenty dollars.

Ord. 6, May 5, 1885. City Code, (1893) Art. 52, Sec. 2.

Sparring exhibitions.

102. Every person who shall give or perform, or be in any manner concerned in any public sparring exhibition which shall take place within the limits of the city of Baltimore, without having first obtained permission for said exhibition from the Mayor, shall forfeit and pay, for every violation of this section, the sum of twenty dollars (\$20).

City Code, (1879) Art. 51, Sec. 3. City Code, (1893) Art. 52, Sec. 3.

Net work for trapeze performances.

103. No agent, owner or lessee of any house of public amusement, or any agent, owner or lessee of any show, circus or public exhibition of any kind whatsoever, shall suffer or permit any person whomsoever to do or perform those acts in which feats of strength and skill are exhibited by the performer from apparatus suspended at an extraordinary elevation above the stage, without first providing

a network of such character and materials as in the event of any miscalculation on the part of the performer or performers, will be the means of saving him, her or them from accident or injury.

City Code, (1879) Art. 51, Sec. 4. City Code, (1893) Art. 52, Sec. 4.

104. Any agent, owner or lessee of any house of public amusement, or any agent, owner or lessee of any show, circus or public exhibition of any kind whatsoever, offending against the provisions of the next preceding section, shall forfeit and pay a fine of fifty dollars Penalty. for every time such offence may be committed in his, her or their house or place of public amusement.

Theatrical Posters, etc.

City Code, (1879) Art. 7, Sec. 18. City Code, (1879) Art. 33, Sec. 16.
City Code, (1893) Art. 33, Sec. 16. City Code, (1893) Art. 7, Sec. 92.

105. It shall not be lawful for any person or persons to destroy, tear, or otherwise deface any bill which it may be lawful to post, descriptive of any performance, meeting or other assemblage, either by posting other bills over the same or in any other manner. Defacing bills posted.

City Code, (1879) Art. 7, Sec. 19. City Code, (1893) Art. 7, Sec. 93.
City Code, (1879) Art. 33, Sec. 16. City Code, (1893) Art. 33, Sec. 16.

106. Any person or persons who shall violate any of the provisions of the next preceding section shall forfeit and pay for each and every offence the sum of two dollars; Penalty. provided, that nothing contained in the next preceding section shall be construed to permit any person or persons to post bills of any kind, unless the same is done with the consent of the owners or occupants of property where said bills are proposed to be posted. The provisions of this and the next preceding section shall not apply to any bills which do not on their face indicate the month in which Proviso. they were posted.

TREES.

City Code, (1879) Art. 47, Sec. 122. City Code, (1893) Art. 48, Sec. 142.

Injury or de-
struction of
trees.

107. If any person or persons shall wilfully break, pull down, hurt or destroy any tree or trees, or inclosure around the same, which are now or may hereafter be planted near the kerb or gutter of any of the streets, lanes or alleys of the city, or in any other public grounds within the city, such person or persons so offending shall forfeit and pay five dollars for every such offence; provided always that nothing herein contained shall be so construed as to prevent the City Engineer from removing any tree or trees, or part thereof, which he may deem so situated as to obstruct the carriage or footways,**

VARIOUS STREET REGULATIONS.

Parades in Streets.

Ord. 175, October 31, 1890. Ord. 9, March 13, 1891. City Code, (1893) Art. 48, Sec. 153.

Political pa-
rades at
night.

108. It shall not be lawful for any political organization to parade through the streets of the city without first obtaining a permit from the Mayor, and the Mayor shall at his discretion issue said permit to any and all political organizations applying for the same, provided permits are not issued to political organizations of different political parties to parade on the same day or night, and provided also that it shall not be lawful for any organization, after having obtained said permit, to carry transparencies or other devices having painted or in any other manner exhibited thereon, any writing or inscription, except the names of the candidates and the names of ward organizations; any person or persons violating the provisions of this section shall be guilty of misdemeanor and liable to a penalty of not less than five nor more than twenty-five dollars.†

**NOTE.—In this connection, *see*, *Frostburg v. Wineland*, 98 Md. 239.

†NOTE.—By Resolution No. 81, approved May 14, 1894, the Board of Police Commissioners was requested to make a police regulation or order preventing the formation of a line for the purpose of being in line at the opening of the sale of seats at any class of entertainment earlier than seven o'clock A. M. of the morning of the day the sale of seats is announced to begin.

Ord. 139, October 6, 1894.

109. It shall not be lawful for any organization or persons to parade through the streets of the city of Baltimore without first obtaining a permit from the Mayor, stating the streets through which, and the hours within which, the parade is to pass ; any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor, and liable to pay a penalty of not less than one dollar nor more than five dollars.

Regulating parades of organizations and persons through streets.

Ord. 20, April 12, 1888. City Code, (1893) Art. 48, Sec. 154.

110. There shall be no parade of drum corps, bands, or other bodies blowing horns and beating drums through the streets, between the hours of six P. M. and six A. M., unless said band, drum corps or other bodies shall, prior to every such parade, obtain a permit in writing therefor from the Mayor of the city. And it shall be unlawful for any band of music or drum corps to play upon the streets and collect money for the same from the passers-by or residents along the line of said streets. Each and every person violating any of the provisions of this section shall forfeit and pay a fine of ten dollars (\$10).

Parades of street bands.

Pianos.

Ord. 109, November 11, 1898.

111. It shall be unlawful for any person or persons to operate or play any hand-organ, street piano or other musical instrument upon the streets between the hours of 10.30 P. M. and 8 A. M. Each and every person violating any of the provisions of this section shall forfeit and pay a fine of five dollars (\$5).

Playing of hand-organs, etc., prohibited between 10.30 P. M. and 8 A. M.

Public Swings, Flying Horses, Etc.

Res. 203, June 19, 1893. City Code, (1893) Art. 48, Sec. 157H.

112. In order to preserve the peace and quietness of the city, and to prevent disorder, no person or persons shall be permitted or allowed to operate any public swings

Public swings, flying horses, fakirs and public vendors of patent medicines prohibited.

or flying horses, nor any fakir or patent medicine vendor give exhibitions or declamations on any street or open space, or lot in Baltimore city; any person or persons violating the provisions of this section shall pay a fine of ten dollars (\$10) for each and every offence.

VAULTS AND AREAS.

City Code, (1879) Art. 47, Sec. 111. City Code, (1893) Art. 48, Sec. 128.

Apertures to vaults to be enclosed whilst left open.

113. No person shall remove or cause to be removed any grate or covering to the opening or aperture of any vault in any of the streets of the city, without enclosing such aperture during the time such grate or covering is removed, with a strong box or kerb, at least twelve inches high, and firmly securing the same under a penalty of ten dollars for each and every offence.

City Code, (1879) Art. 47, Sec. 107. City Code, (1893) Art. 48, Sec. 124.

Police to notify City Engineer of construction of vaults and areas.

114. It shall be the duty of the police officers to give information to the Mayor and City Engineer whenever any vault or area is being constructed in any of the streets of the city, within their respective districts.

WATER.

City Code, (1879) Art. 53, Sec. 45. City Code, (1893) Art. 54, Sec. 45.

Police to report violations of ordinances.

115. It shall be the duty of the police to report all violations of water ordinances, all new buildings using the water from hydrants or fire-plugs for building purposes, wasting of water from hydrants, fire-plugs out of order, bursted pipes, and any person or persons who are using the water from the fire-plugs, or causing the water to flow from them contrary to any of the provisions of any city ordinance.

Ord. 77, May 4, 1892. City Code, (1893) Art. 48, Sec. 146A.

116. It shall not be lawful for any person or persons or body corporate to discharge or permit to be discharged any water from any street washer or hose on the sidewalk

or street bed while such portion of said street is being repaved, nor for two weeks after such repaving has been completed; and any person or persons or body corporate, violating any of the provisions of this section, shall forfeit and pay the sum of ten dollars for each and every such offence.

Water not to be discharged on streets while being repaved nor for two weeks thereafter.

117. All fines, penalties and forfeitures incurred by the violation of any of the provisions of this Article, shall be recovered as other fines, penalties and forfeitures imposed by ordinances are recoverable, and when collected shall be paid to the Comptroller.

Recovery of fines, forfeitures and penalties.
Such monies to be paid to the Comptroller.

ARTICLE XXVI.

PRATT FREE LIBRARY.

ORDINANCES.

Preamble.—To be known as “Enoch Pratt Free Library of Baltimore City”; lot and building; cost of building; endowment fund; acceptance by Mayor; trustees to be paid annual sum; branches; title to building, books, etc., to vest in Mayor and City Council of Baltimore; trustees to control and manage; authority of Mayor and City Council of Baltimore to accept; ordinance of contract with trustees to be approved by people.

- 1. Acceptance of Mayor and City Council of Baltimore; annuity for maintenance of library.
- 2. Conveyance of Mayor and City

Council of Baltimore; contract to make annual appropriation of fifty thousand dollars; trustees to report annually to Mayor and City Council of Baltimore.

- 3. Investment of endowment fund.
- 4. Interest to be invested until income from fund reaches fifty thousand dollars; in meantime annuity to be levied as other city taxes levied.
- 5. Investment to cease when interest amounts to fifty thousand dollars; taxation therefor to then cease.

Ord. 106, July 15, 1882. City Code, (1893) Art. 39, (Preamble).

Preamble
reciting par-
ticulars of
gift of Enoch
Pratt.

Preamble.—Whereas, Enoch Pratt of the city of Baltimore, has agreed to establish a free public library in the city of Baltimore, to be known as the “Enoch Pratt Free Library of Baltimore City,” and has agreed to erect upon a lot of ground on Mulberry street, owned by him, a library building of estimated cost of two hundred and twenty-five thousand dollars or thereabout, and has agreed to convey said lot and premises to the Mayor and City Council of Baltimore, and also pay unto said Mayor and City Council of Baltimore, the sum of eight hundred and thirty-three thousand three hundred and thirty-three dollars and thirty-three cents; provided, the said Mayor and City Council of Baltimore, will accept said conveyance and said sum of money, and agree by ordinance to grant and create an annuity, and to pay annually to a board of trustees, and their successors, the sum of fifty thousand dollars hereafter, forever, in equal quarterly payments, for the purchase and maintenance of said library, with not less than four branches in different parts of the city; the said branches to be established by said trustees within such time as can be reasonably accomplished, out of said quarterly payments; the title to said library, its branches, books and all other property, to be vested in the Mayor and City Council of Baltimore; the control and management of said library and property to be in said board of trustees; and

Legislative
authority to
establish the
library.

Whereas, the General Assembly of Maryland, by an Act passed at its January session, eighteen hundred and eighty-two, chapter one hundred and eighty-one, authorized and empowered the said Mayor and City Council of Baltimore to accept the said proposal of the said Enoch Pratt, and granted full power and authority unto the said Mayor and City Council of Baltimore, upon the conveyance of said lot and the improvements aforesaid and upon said payment of said sum of money to it by the said Enoch Pratt, to contract and agree by ordinance, to be approved by the legal voters of said city, to pay perpetually to the board of trustees of the “Enoch Pratt Free Library of Baltimore City,” the annual sum of fifty thousand dollars, in equal quarterly payments forever; and

Whereas, said "Enoch Pratt Free Library of Baltimore City," has been duly incorporated by said Act of said General Assembly of Maryland, and said Enoch Pratt is desirous to make the conveyance aforesaid, and to pay unto said Mayor and City Council the sum of eight hundred and thirty-three thousand three hundred and thirty-three dollars and thirty-three cents; therefore—

Amount of
trust fund.

Ord. 106, July 15, 1882. City Code, (1893) Art. 39, Sec. 1.

1. In pursuance of the power and authority vested in it by said Act of the General Assembly of Maryland, and for the purpose of perpetually promoting and diffusing knowledge and education among the people of the city of Baltimore, the said proposed conveyance of the said library building and premises, situate upon Mulberry street, as aforesaid, and the said proposed payment of eight hundred and thirty-three thousand three hundred and thirty-three dollars and thirty-three cents, are agreed to be accepted by said Mayor and City Council of Baltimore; and for the purpose of carrying into effect the said proposed object, the said Mayor and City Council of Baltimore, by this ordinance do hereby contract and agree with the said Enoch Pratt and with the said "Enoch Pratt Free Library of Baltimore City," the body corporate aforesaid, in consideration of said conveyance of said library building and premises; and of the payment of said sum of money unto it, to grant and create an annuity of fifty thousand dollars, to be paid perpetually hereafter, forever, in equal quarterly payments, for the purposes and maintenance of said library; said annuity to be paid unto the board of trustees of said body corporate and their successors, forever, to be applied by them to the purposes and maintenance of said library, as established and defined in the Act of incorporation thereof.

Acceptance
of gift.

Ord. 106, July 15, 1882. City Code, (1893) Art. 39, Sec. 2.

2. Upon the conveyance by said Enoch Pratt or his representatives, by valid deed, of the clear unincumbered

M. and C. C.
to pay
\$50,000 an-
nually.

fee simple estate in said lot of ground, with the improvements thereon, situate on Mulberry street, in said city of Baltimore, unto the said Mayor and City Council, of Baltimore and upon the payment by said Enoch Pratt or his representatives, unto said Mayor and City Council of Baltimore, of said sum of eight hundred and thirty-three thousand three hundred and thirty-three dollars and thirty-three cents, the Mayor of the city of Baltimore, at the time of the execution of said deed, is authorized and empowered to join in the execution of the same, for and on behalf of the Mayor and City Council of Baltimore, and to contract, covenant and agree, for and on their behalf, to pay perpetually thereafter the yearly sum of fifty thousand dollars, in equal quarterly payments, unto the Trustees of the "Enoch Pratt Free Library of Baltimore City," and their successors, forever, the said "Enoch Pratt Free Library of Baltimore City," also joined in said deed, and agreeing to appropriate said sum for its corporate purposes, and to make an annual report to the Mayor and City Council of Baltimore, of the proceedings of said body corporate, and of the condition of said library and its branches, with a full account of the monies received and expended by said trustees.*

Ord. 64, May 14, 1883. City Code, (1893) Art. 39, Sec. 3.

Investment
of sum do-
nated.

3. So soon as Enoch Pratt shall pay to the Mayor and City Council of Baltimore, the sum of eight hundred and thirty-three thousand three hundred and thirty-three dollars and thirty-three cents, according to the terms and provisions of Ordinance No. 106, approved July 15, 1882, it shall be the duty of the Commissioners of Finance to invest the same in Baltimore city stock heretofore authorized to be issued at par as a sinking fund to be known by the name of the "Enoch Pratt Free Library Sinking Fund."

*NOTE.—This Ordinance was duly adopted by popular vote on the 4th Wednesday of October, 1882.

Ord. 64, May 14, 1883. City Code, (1893) Art. 39, Sec. 4.

4. The interest upon said investment so as aforesaid directed to be made, shall also be invested from time to time, as the same shall be received in the public debt of the city of Baltimore, and such investments of said interest, and of the interest upon said interest, shall also constitute a part of said sinking fund ; and said investment of said interest, and of interest on said interest, shall continue so to be made in the public debt of the city of Baltimore until the annual income from said investments shall reach the sum of fifty thousand dollars ; and in the meanwhile, the sum of fifty thousand dollars, to pay said annuity, shall be levied for as other city taxes are levied.

Investment of
interest
thereon.

Ord. 64, May 14, 1883. City Code, (1893) Art. 39, Sec. 5.

5. When the said annual income upon the investments in said sinking fund shall reach the sum of fifty thousand dollars, the making of said investments for said purpose shall cease, and the said annual income of fifty thousand dollars arising therefrom shall be thereafter appropriated and applied to the payment of the annuity of fifty thousand dollars to the trustees of the "Enoch Pratt Free Library of Baltimore City," and all taxation for the purpose of raising said annuity of fifty thousand dollars for such purpose, shall cease and be discontinued.

Investments to
cease when
interest
amounts to
\$50,000.

ARTICLE XXVII.
PUBLIC BATHS.
ORDINANCES.

Free Public Bath Commission.

- | | |
|---|--|
| <ol style="list-style-type: none">1. Mayor to appoint commission of seven persons.2. Powers and authority of commission.3. To control, maintain and operate the free public baths; to make rules and regulations. | <ol style="list-style-type: none">4. To make annual report and account for monies to Mayor and City Council.5. Property conveyed by Henry Walters to be maintained as public baths and laundries. |
|---|--|

FREE PUBLIC BATH COMMISSION.

Ord. 54, May 9, 1900.

To appoint a commission.

1. The Mayor shall appoint in the mode prescribed in section 25 of the City Charter, Article 4, Public Local Laws, a commission of seven persons, who shall serve without pay, which shall constitute a Board of Commissioners to be styled the "Free Public Bath Commission of Baltimore City."

Ord. 54, May 9, 1900.

Powers.

2. The said "Free Public Bath Commission," shall have such powers as are conferred by this Article, as well as such other powers as may be conferred by any and all subsequent ordinances of the Mayor and City Council of Baltimore.

Ord. 54, May 9, 1900.

To control, maintain and operate free public baths.

3. The said "Free Public Bath Commission" shall have the power to superintend, direct, maintain and operate, all the free public baths now established or to be hereafter established in the city of Baltimore, and owned by the said

city of Baltimore, under such rules and regulations as said commission may deem best suited for carrying out the objects of the said free baths.

Ord. 54, May 9, 1900.

4. The said commission shall annually make a report to the Mayor and City Council of Baltimore of their proceedings and of the condition of the baths under their care, with a full account of the money received and expended by them. ^{To make an annual report.}

Ord. 36, March 5, 1900. Ord. 121, February 12, 1903.

5. All the property heretofore conveyed by Henry Walters, Esquire, to the said Mayor and City Council of Baltimore shall be maintained by the Mayor and City Council of Baltimore as public baths and laundries, and in the event that the Mayor and City Council of Baltimore shall at any time find it expedient to dispose of any of said property, or the improvements thereupon, or both, so conveyed to the said Mayor and City Council of Baltimore by the said Henry Walters, Esquire, the said Mayor and City Council of Baltimore will use the money or other property received from the sale or other disposition of any said property, or improvements, in the erection and equipment of public baths or laundries. ^{Public baths.}

ARTICLE XXVIII.
PUBLIC BUILDINGS.
ORDINANCES.

Superintendent of Public Buildings.

- 1. Buildings in charge of superintendent; his bond.
- 2. Number and salaries of employes in public buildings; City Hall; City Hall annex; New Court House.
- 3. Employes of any of said buildings to perform service in any other of said buildings.

- 4. Substitute watchman to be approved by superintendent.

Absence From Duty.

- 5. Employes not to be absent without permission of Superintendent.

Flags on Public Buildings.

- 6. American flag to be raised on all legal holidays; to be at half-mast on Memorial Day.

SUPERINTENDENT OF PUBLIC BUILDINGS.**

Ord. 6, February 27, 1896. Ord. 7, February 27, 1896. Ord. 9, February 27, 1896. Ord. 16, March 9, 1896. Ord. 27, December 29, 1899. Ord. 20, November 18, 1903. Ord. 84, March 5, 1906.

Buildings in charge of Superintendent of Public Buildings.

Bond.

1. The Superintendent of Public Buildings shall have charge of such buildings, in addition to those designated in the Charter of the city of Baltimore, section 207, as may be placed under his charge by the Mayor and City Council of Baltimore, and before entering upon the discharge of his duties, he shall execute a bond in the sum of ten thousand dollars (\$10,000) for the faithful discharge of his trust.

**NOTE.—*Court House Watchmen.*—The municipality is exempt from responsibility for the neglect or wrongful acts of watchmen or servants, as is also the head of the department appointing them, in case of such persons selected to preserve order and decorum in a court house. Wood v. Mayor, etc., Baltimore, Daily Record, May 2 1905.

Employes.

Ord. 9, February 27, 1896. Ord. 20, November 18, 1903. Ord. 84,
March 5, 1906.

2. Until otherwise provided by ordinance, the number and pay per annum of the assistant and employes of the Superintendent of Public Buildings shall be as follows :

Number and
salaries of
employes in
public build-
ings.

City Hall.

Janitor and clerk to the Superintendent, nine hundred dollars (\$900). Three watchmen at seven hundred and twenty dollars (\$720) each. Three firemen at nine hundred dollars (\$900) each. Two laborers at five hundred and twenty dollars (\$520) each. Elevator conductor, seven hundred and twenty dollars (\$720). Superintendent of charwomen four hundred and eighty dollars (\$480). Sixteen charwomen at three hundred dollars (\$300) each. Window washer, five hundred and twenty dollars (\$520).

City Hall Annex.

Janitor and fireman, six hundred and thirty dollars (\$630). Watchman, seven hundred and twenty dollars (\$720). Three charwomen, at three hundred dollars (\$300) each.

New Court House.

Assistant Superintendent Courthouse, twelve hundred dollars (\$1,200). Chief Electrician, twelve hundred dollars (\$1,200). Two assistant electricians, nine hundred dollars (\$900) each. Chief Engineer, twelve hundred dollars (\$1,200). Two assistant engineers, nine hundred dollars (\$900) each. Three firemen, nine hundred dollars (\$900) each. Three oilers, six hundred dollars (\$600) each. Three coal passers, work every day, six hundred and eight dollars and thirty-three cents (\$608.33) each. Janitor, seven hundred and twenty dollars (\$720). Six watchmen, seven hundred and twenty dollars (\$720) each. Five

elevator conductors, seven hundred and twenty dollars (\$720) each. Three laborers, five hundred and twenty dollars (\$520) each. Three window washers, five hundred and twenty dollars (\$520) each. Court matron, three hundred dollars (\$300). Superintendent of charwomen, four hundred and eighty dollars (\$480). Twenty-nine charwomen, three hundred dollars (\$300) each. Furniture polisher, six hundred dollars (\$600). Two marble polishers, five hundred and eighty dollars (\$580) each.

Ord. 20, November 18, 1903. Ord. 84, March 5, 1906.

Employees to perform work in any building controlled by city.

3. The Superintendent of Public Buildings is authorized and empowered to require any of the employes for either of said buildings to perform work and render service in the other of said buildings, or in any building that may be placed in his charge by the Mayor and City Council of Baltimore.

City Code, (1879) Art. 10, Sec. 5. City Code, (1893) Art. 10, Sec. 5.

Substitutes of night watchmen.

4. Neither the day nor the night watchman shall place any substitute on duty when sickness or other circumstances may render their absence necessary, unless such substitute shall first be approved by the Superintendent of Public Buildings.

Absence from Duty.

City Code, (1879) Art. 10, Sec. 7. City Code, (1893) Art. 10, Sec. 8.

Permit from Superintendent of Public Buildings necessary.

5. None of the foregoing employes shall absent themselves from duty without the permission of the Superintendent of Public Buildings.

FLAGS ON PUBLIC BUILDINGS.

Ord. 29, April 9, 1895.

Flags to be raised on all municipal buildings on legal holidays, etc.

6. The Superintendent of Public Buildings shall cause to be raised the American flag on the public buildings belonging to and used by the municipal government of the city on each and every legal holiday during the year, and also to be raised at half-mast on the 30th day of May, (known as Memorial Day).

ARTICLE XXIX.

PUBLIC PRINTER.

ORDINANCES.

Joint Standing Committee on Stationery and Printing.

1. Appointment of Committee; how constituted; duties.

Specifications for Printing.

2. Duties of Public Printer; compensation.
3. Chairman of Joint Standing Committee on Printing to issue orders for printing; chief clerk of Second Branch to keep copies of orders; work to be delivered under direction of committee.

4. Bills to have attached orders for work charged for; to be approved by committee.

5. Specifications for size of type and page for journals, ordinances, etc.

Journals.

6. Number of copies; number of editions and style of printing; specifications for first edition; one copy of same to be mailed daily to each member of Council; specifications for second edition.

Prices.

7. Prices for composition, corrections, paper, press-work, etc.; pages for body; for index;

blank page; additional copies; postage.

8. Binding, half sheep; full sheep.

Ordinances and Resolutions.

9. Number of copies to be printed.

Prices.

10. Composition, etc.; body pages; index pages; blank pages; full sheep binding.

Mayor's Message and Department Reports.

11. Number of copies to be printed; size and quality of paper; 150 copies in full sheep binding; 50 copies in half-Turkey morocco.

Prices.

12. Composition, press-work, etc.; 10-point type pages; 8-point type; 8-point tabular; pages exceeding standard; inset pages; full sheep binding; half-Turkey morocco.

Additional Copies of Mayor's Message and Department Reports.

13. To be printed and bound at same time as originals; printing and binding in discretion of committee.

Prices.

14. Paper; paper and press-work for first 100 copies; same for each additional 100 copies; for each additional 100 copies of Mayor's message; binding; binding for each additional 100 copies.
15. Binding specifications; prices for binding.

Miscellaneous.

16. Specifications for card folder and lists; prices for same; "yea and nay" blanks; lists of committees, etc.

Indexer.

17. President of Second Branch to employ competent indexer; compensation; to prepare indexes; indexes to be inserted by Public Printer.

JOINT STANDING COMMITTEE ON STATIONERY AND PRINTING.

Ord. 2, September 11, 1899.

Appointment
of committee.

1. There shall be appointed, as other joint standing committees are appointed, three members of the Council from each Branch to constitute the Joint Standing Committee of Printing and Stationery, who shall order all printing or other articles required by the Council, and examine and approve all bills for the execution of the same.

SPECIFICATIONS FOR PRINTING.

Ord. 2, September 11, 1899.

Relating to
work of Pub-
lic Printer.

2. The Public Printer shall execute work in accordance with the specifications in the succeeding sections of this Article only when ordered, as herein provided, and in the amounts required by the Joint Standing Committee on Printing, and he shall be paid for all such work at the prices and upon the conditions named in the succeeding sections of this Article.

Ord. 2, September 11, 1899.

Relating to
orders.

3. Every order must be issued in writing and signed by the chairman of the Joint Standing Committee on Printing. The chief clerk of the Second Branch shall

keep on file all copies of all orders. All work shall be delivered under the direction of the Joint Standing Committee on Printing, and must be receipted for on delivery.

Ord. 2, September 11, 1899.

4. Bills rendered must have attached the orders and receipt for the work charged for, and must be approved by the Joint Standing Committee on Printing.

Relating to bills.

Ord. 2, September 11, 1899.

5. The size of the page and the size of the type page are to be uniform for the journals, ordinances and resolutions, department reports, Mayor's messages, and any other pamphlet or book-work; and the paper is to be the same in all respects, as specified below, unless otherwise directed by the committee.

Relating to size of type and page.

Size of page, $5\frac{3}{4} \times 9$ inches, trimmed.

Size of type page, $3\frac{3}{4} \times 6\frac{1}{4}$ inches.

Paper, 24x38, 60 lbs., super-calendered, white, No. 1.

Cover paper, 20x25, 48 lbs., color to be selected.

JOURNALS.

Ord. 2, September 11, 1899.

6. Two hundred and eighty-four copies of the journal of the First Branch of the City Council; two hundred and eighty-four copies of the journal of the Second Branch of the City Council; to be printed in two editions, both of which are to be set solid, corresponding to the present bound volumes of the close journal, and to be charged for on the basis of the paging of the close journal.

Number to be printed.

Editions and style of printing.

First Edition: 133 copies of each journal for daily use during the session; to have wire-stitched binding, trimmed, without cover, and one of such copies to be wrapped and mailed daily to each of the 33 members of the Council, postage prepaid.

First edition.

Second edi-
tion.

Second Edition : including corrections : 150 copies of each, to be flat in sheets, and one copy of each to be printed on writing paper, with space at the end of each day's proceedings for the signature of the president and clerk of the respective Branches ; second edition to contain index.

Prices.

Ord. 2, September 11, 1899.

7. For composition, corrections, paper, press-work and wire-stitched binding :

Prices.

Pages in 11-point type (for body), set solid, \$1.25 per page.

Pages set in 8-point type, for index, \$1.60 per page.

Blank pages not to be charged.

Additional copies, ordered at same time, per 100, folded and wire-stitched, 15 cents per page.

Postage to be charged at cost.

Ord. 2, September 11, 1899.

Binding.

8. Binding 150 copies of each journal, half sheep, paper sides, printed paper label, 50 cents per copy. Binding the two copies printed on writing paper, one for each Branch, in full sheep, with leather title labels, \$1.50 per copy.

ORDINANCES AND RESOLUTIONS.

Ord. 2, September 11, 1899.

Number of
copies.

9. Two hundred copies of ordinances and resolutions of the Mayor and City Council of Baltimore.

Prices.

Ord. 2, September 11, 1899.

10. For composition, paper and press-work :

Pages set in 11-point type, including side notes, \$1.10 per page.

Prices

Pages set in 8-point type, for index, \$1.40 per page.

Blank pages not to be charged.

Binding in full sheep, black leather title label, 50 cents per copy.

MAYOR'S MESSAGE AND DEPARTMENT REPORTS.

Ord. 2, September 11, 1899.

11. There shall be printed 200 copies of the Mayor's ^{Number of} Message and each of the reports required to be made to the Mayor and City Council of Baltimore on paper 24x38, 60-lb. super-calendered book, white, No. 1; 150 copies are to be bound in full sheep, black title label, and 50 copies are to be bound in half-Turkey morocco, gilt top.

Prices.

Ord. 2, September 11, 1899.

12. For composition, paper and press-work for the said 200 copies :

Pages set in 10-point type, with 2-point lead, \$1.20 per ^{Prices.} page.

Pages set in 8-point type, \$1.45 per page.

Pages set in 8-point type, tabular, \$2.20 per page.

Type pages covering more space than the standard page to be charged in proportion.

Inset pages to be charged at the rate of \$3.50 for a standard page.

Binding in full sheep, black title label, 75 cents per copy.

Binding in half-Turkey morocco, gilt top, \$1.75 per copy.

ADDITIONAL COPIES OF MAYOR'S MESSAGE AND DEPARTMENT REPORTS.

Ord. 2, September 11, 1899.

13. The additional copies of Mayor's message and department reports are to be printed at the same time the originals are printed, and are to be bound in the discretion of the committee, with printed paper covers, or full cloth, with side titles in gold. ^{Printing and binding.}

Prices.

Ord. 2, September 11, 1899.

14. Paper, 24x38, 60-lb. super-calendered, No. 1 book, white.

Prices.

For paper and press-work for the first 100 copies of reports, 20 cents per page.

For each additional 100 copies of reports, 5 cents per page.

For each additional 100 copies of Mayor's message above the original 200, 2½ cents per page.

For printed paper cover, including binding same, for 100 copies, \$2.50 complete.

For each additional 100 copies, \$1 complete.

Ord. 2, September 11, 1899.

Binding.

15. Binding in full cloth, with side title in gold, for 25 books, 25 cents per copy complete; for each additional copy, 20 cents per copy complete.

MISCELLANEOUS.

Ord. 2, September 11, 1899.

Folders and lists.

16. One thousand copies card folder, 4 pages; size 3¾x5¾ inches when folded; on 160-lb. bristol board; containing lists of members of City Council, officers, members, etc.; complete \$14.75. More or less copies per 100, 75 cents; one thousand "yea and nay" blanks, per 1,000, \$1.50; one thousand "yea and nay in convention", \$2; two hundred cards, lists of committees of City Council, printed on best 160-lb. bristol board, \$7; more or less copies per 100, \$1.

Prices.

INDEXER.

Ord. 2, September 11, 1899.

President Second Branch to employ competent indexer.

17. The President of the Second Branch of the City Council is hereby authorized to employ a competent indexer, at the expense of not more than \$250, to prepare indexes for the bound volumes of the First and Second Branch journals, and the bound volumes of ordinances and resolutions, and the bound volumes of reports and Mayor's message, known as the "Appendix", for insertion in said volumes by the Public Printer.

ARTICLE XXX.

RAILROADS AND RAILWAYS.

ORDINANCES.

Steam Railroads.

Cars of Steam Railroads.

1. Cars remaining unused in streets to be chained or otherwise secured; penalty for failure to secure such cars; penalty for permitting cars to remain in streets on Sunday; proviso as to cars used in making repairs.
2. Authorized persons only to put cars in motion or remove fastenings; penalty.
3. Loading and unloading cars in streets without consent of owners of property opposite point of unloading unlawful; penalty.
4. Cars not to be so placed as to obstruct passage on flag-stones at cross streets; penalty.
5. Cars not to be placed in turnouts or switches so as to obstruct passage along streets; penalty.
6. Cars left standing in streets not to obstruct passage across such street within block; space to be left between such cars in middle of block; penalty.
7. Rate of speed in streets for passenger, burden and other cars; speed at grades; not to move without brakeman and driver; penalty.
8. Carts, drays, etc., to travel and pass on right hand side in

streets wherein railroad tracks are laid; exception.

9. Not more than three cars together to be moved down grades by gravity; penalty.
10. Minors not to jump on or off cars in motion; penalty.

Tracks and Switches.

11. To be laid with paving or planking between rails.
12. To be kept in good condition; penalty; when repairs neglected by owners, City Engineer to have same made at expense of owner.

Locomotive Engines.

13. In what streets and by whom same may be used.
14. Precautions required in such use; man to ride on front end; speed; to ring bell when approaching cross streets; where whistle may be used; penalty.
15. Penalty for unauthorized use of engines in streets.
16. Use of wood permitted for generating steam; proviso as to right to withdraw such permission by Mayor and City Council.
17. Provisions of this sub-division to apply to all engines now in use and to be used in future.

**Construction of Railroads and
Railways.**

18. City Engineer to examine tracks and report defects to Mayor; duty of Mayor where tracks are improperly laid.
19. Where tracks cause obstruction in street Mayor may have removed or altered; owner of tracks to have notice and reasonable time to alter; on neglect of notice City Engineer to do work at expense of owners; collection of cost.
20. Duty of City Engineer where gutters are obstructed by improper construction; notice to owners; on neglect of notice City Engineer to remove obstructions at owners' expense.
21. Penalty for construction causing obstruction.

Street Passenger Railways.

All Night Cars.

22. Intervals for running all night cars; penalty for failing to run cars as herein provided.

Railway Bed and Tracks.

23. Requirements for construction of tracks over city bridges; penalty for construction not in accordance therewith.
24. Streets between tracks and for two feet on each side to be kept in repair by railway companies; not to obstruct other portions of street in freeing tracks from snow, etc.; penalty for such obstruction.
25. In future grants of right to lay tracks it shall be the duty of such grantee to keep street

in repair as aforesaid whether same is made a condition of grant or not; also liable for costs of paving and repaving.

26. When streets occupied by tracks are in bad condition owners of such tracks to have notice thereof; when notice neglected City Engineer to repair at expense of owners; also liable for penalty.
27. Sand or gravel may be used on grades and curves; penalty.
28. Railway companies to sprinkle streets between first of May and first of November.
29. Penalty for neglect to sprinkle streets when ordered so to do by Commissioner of Street Cleaning.

Rules For Street Cars in Motion.

30. Speed through markets not to exceed four miles per hour; penalty for greater speed.
31. All cars to stop before reaching steam railroad, etc., crossings; duty of conductor; penalty.
32. Speed in crossing open streets; penalty for greater speed.
33. Street cars to stop for passengers on far side of crossings; proviso as to necessary stops on near side.
34. Penalty for stopping on near side.
35. Cars to stop on near side of engine and hook and ladder houses.
36. Penalty for failure to stop at engine, etc., houses.
37. Cars not to remain standing in streets.

Trolley and Brakes.

38. Pulling off trolley or interfering with rope forbidden; application of brakes by unauthorized persons prohibited; penalty.

Safety Devices on Cars.

39. Car fenders to be provided; to have front and wheel guards; compliance of same with requirements to be certified to by Mayor, City Register and City Engineer.
40. Penalty for failure to provide fenders.
41. Ends of cars to be provided with vestibules between first of December and first of April; no non-vestibule cars to be run during said period.

42. Penalty for running cars during said period without vestibules.

43. Wheels of trailer cars to be protected by guards.

44. Penalty for running trailers without guards.

Right of Way on Tracks.

45. Vehicles not to delay cars; penalty for neglect or refusal of drivers to give way to cars.

46. Vehicles going in same direction with cars have right of way over vehicles going in opposite direction; penalty for improper use of tracks by vehicles.

47. Recovery of fines and penalties imposed for the violation of the provisions of this Article.

STEAM RAILROADS.*Cars of Steam Railroads.*

City Code, (1879) Art. 40, Sec. 1. City Code, (1893) Art. 41, Sec. 1.

1. It shall not be lawful for any railroad company, or any other person or persons, firm or corporation, owning any car or cars, to permit such car or cars, when not in actual service, to remain in any paved street for a longer period than one hour, unless there be some chain or other fastening affixed to the wheels of every such car, except when several cars may be connected together, in which case the said chain or fastening shall be attached to one of the said cars, so as to prevent the car or cars from being moved by any person or persons without violently breaking or removing the said chain or other fastening, and keep the said chain or fastening affixed as aforesaid, until the same may be regularly removed by the agent or person in the actual service of the said company, person or persons, firm or corporation, owner or owners of any such car; and for every violation of the provisions of

When and how long to remain in streets.

this section, the company, person or persons, firm, corporation, owner or owners of the car or cars so remaining and not chained or fastened as aforesaid, shall forfeit and pay, for each and every violation thereof, not less than one nor more than twenty dollars; and any person or persons, firm or corporation, owner or owners, as aforesaid, who shall permit any car to remain in any paved street on Sunday, shall forfeit and pay five dollars for every car so remaining; provided, this section shall not be extended to cars engaged in the operation of making or repairing any railways or pavements within the city.

City Code, (1879) Art. 40, Sec. 2. City Code, (1893) Art. 41, Sec. 2.

2. It shall not be lawful for any person, other than an agent or person in the actual service or employ of the railroad company, or other person or persons, firm or corporation, owning any car or other carriage on any railway within the city, without the consent or permission of the person rightfully having charge of the particular car, to put, attempt or assist to put any car in motion on any railway within the city, or to go on or into, or attempt, or assist any other person to get on or into any such car, or to remove, unfasten or break, or attempt or assist to remove, or unfasten or break any chain, lock or other fastening by which any such car or carriage shall be fastened or restrained from motion, or from being put in motion; and any person violating any of the provisions of this section shall forfeit and pay a sum not less than one nor more than twenty dollars.

Only authorized persons to put cars in motion.

City Code, (1879) Art. 40, Sec. 3. City Code, (1893) Art. 41, Sec. 3.

3. It shall not be lawful for any railroad company or any person or persons, firm or corporation, to load or unload any railroad car in any of the streets, lanes, or alleys of the city, except at the several depots, or by the consent of the occupiers of houses or lots immediately opposite their respective premises; or load or unload coal, on or from any railroad car or cars, on any of the streets, lanes or alleys of the city, unless by the consent of the

Loading and unloading of cars.

occupants of houses or lots opposite to the point where said persons may wish to load or unload said car or cars, under a penalty of five dollars for each and every offence.

City Code, (1879) Art. 40, Sec. 4. City Code, (1893) Art. 41, Sec. 4.

4. It shall not be lawful for any railroad company, or any other person or persons, firm or corporation, owning any car or cars, to place or cause to be placed any passenger car, burden car, wagon or other vehicle on any railroad within the city limits, in such manner as to obstruct the passage of foot passengers on any of the flag-stones at any of the cross streets within said limits, under a penalty of five dollars for each and every offence, and a further penalty of five dollars for any car which may remain for an hour after notice given to remove the same.

Obstruction of
street cross-
ings.

City Code, (1879) Art. 40, Sec. 5. City Code, (1893) Art. 41, Sec. 5.

5. It shall not be lawful for any railroad company, person or persons, firm or corporation, to place any railroad cars of any description, on any turnout or private switch within the city limits, in such manner as to obstruct the free passage along the line of the street between the railroad and the footway, under a penalty of five dollars for each and every offence.

Obstructions
to streets by
turnouts and
switches.

City Code, (1879) Art. 40, Sec. 6. City Code, (1893) Art. 41, Sec. 6.

6. It shall not be lawful for any railroad company, person or persons, firm or corporation, to place any railroad cars of any description, along the line of any street, in such manner as to prevent the passage of foot passengers, carts or drays, from one side of the street to the other, on any one square occupied by railroad cars; but in all cases, the company, person or persons, firm or corporation, so occupying the street with railroad cars, shall leave an opening or space of not less than twenty feet, at or near the centre of the square, or at equal distances from the two nearest cross streets, under a penalty of not less than ten dollars for each and every offence.

Obstructions
to foot pas-
sengers and
vehicles.

City Code, (1879) Art. 40, Sec. 7. City Code, (1893) Art. 41, Secs. 7, 17.

Rate of speed.

7. No passenger, burden or other cars shall be driven, hauled or propelled on any of the railroads or railways within the city limits, (except in ascending the heavy grades of streets, which may require a greater speed, when the rate shall not exceed six miles an hour,) at any faster gait or speed than a walk, and at no time move without a brakeman, in addition to the driver, under the penalty for each and every offence of twenty dollars, except as provided in section 14 of this Article.

B. & O. R. R. Co. v. Bahrs, 28 Md. 647; *B. & O. R. R. Co. v. State use of Miller*, 29 Md. 252; *B. C. P. Ry. Co. v. McDonald*, 43 Md. 535.

City Code, (1879) Art. 40, Sec. 8. City Code, (1893) Art. 41, Sec. 8.

Vehicles to pass to the right.

8. It shall be the duty of every person or persons having charge of or driving any cart, dray, wagon or other carriage, which shall be passing on or along any street in which any railroad is or shall be laid within the city, to travel or pass only on the right hand side, between the curb stone and the track of the railroad, except when prevented by some obstruction in the street, or when it shall be necessary, for any sufficient cause, to cross or pass over such railway to the opposite side.

City Code, (1879) Art. 40, Sec. 9. City Code, (1893) Art. 41, Sec. 9.

Movement on down grades.

9. It shall not be lawful for any person or persons, corporation or firm, to move or cause to be moved, more than two railroad cars in connection, upon any railroad track leading through any of the streets of the city, where the descent of said road does not require the aid of propelling power, under the penalty of twenty dollars for each and every offence.

Minors jumping on cars in motion.

City Code, (1879) Art. 40, Sec. 10. City Code, (1893) Art. 41, Sec. 10.

10. It shall not be lawful for any minor not in the employ of the railroad company, to jump on or from any car of steam railways, whilst such car is in motion, under a penalty of one dollar for every such offence.

Tracks and Switches.

City Code, (1879) Art. 40, Sec. 11. City Code, (1893) Art. 41, Sec. 11.

11. All railroad tracks and switches now laid, and those How to be laid. that may be hereafter laid in any of the streets, lanes or alleys in the city of Baltimore, shall be filled up between the rails thereof within one and a half inches of the top of the iron rails, and raised with a convex form in the centre even with the top of said rails, with good even stone pavements, or by planking the same with two inch oak plank.

City Code, (1879) Art. 40, Sec. 12. City Code, (1893) Art. 41, Sec. 12.

12. The owners and occupiers of all railroads and switches above referred to shall at all times keep them in good condition, as prescribed by the next preceding section of this Article, under a penalty of ten dollars for every day (after notice shall have been given) that any part thereof shall, in the opinion of the City Engineer, require repairing; and in case of the neglect or refusal to do the same within the time specified in said notice, then the City Engineer shall have the same done in a good and sufficient manner, at the expense of said owner or occupier.* To be kept in good condition.

Locomotive Engines.

City Code, (1879) Art. 40, Sec. 13. City Code, (1893) Art. 41, Sec. 13.

13. The Northern Central Railway Company is hereby authorized to use locomotive engines, adapted to a low speed, on the railroad track on North street, to and from Calvert station; the Baltimore and Ohio Railroad Company is authorized to use locomotive steam power upon its tracks between the city limits and Camden station, and along Pratt street, upon its track, from Howard street to the Mount Clare station; and the Philadelphia, Baltimore and Washington Railroad Company is authorized to use loco- Use in certain streets.

*NOTE.—As to removal of dangerous switches, see, B. & O. R. R. Co. v. Baltimore City, 98 Md. 535.

tive engines on its railway tracks, between the eastern boundary line of the city and its depot at the intersection of Canton avenue and President street.

City Code, (1879) Art. 40, Sec. 14. City Code, (1893) Art. 41, Sec. 14.

Precautions in
such use.

14. When a locomotive engine is used within the limits of the city, a man shall be required to ride on the front of the locomotive engine when going forward, and when going backward, on the tender, not more than twelve inches from the bed of the road; nor shall any locomotive engine be propelled at a greater rate of speed than five miles per hour, except when there are grades requiring a greater speed, and then it shall not exceed the rate of six miles per hour; and the person or persons having charge of such locomotive engine, shall ring a bell when approaching any and every cross street, and no steam whistle attached to any locomotive engine shall be used within the limits of the city, except at the Mount Clare and Camden stations, and between said stations and the city limits; for any violation of the conditions herein set forth, the company so violating shall forfeit and pay the sum of ten dollars for each and every offence.*

City Code, (1879) Art. 40, Sec. 15. City Code, (1893) Art. 41, Sec. 15.

Penalty.

15. If any railroad company shall use or cause to be used any locomotive engine or engines propelled by steam on any railroad track within the city of Baltimore, other than those where authorized by ordinance of the city, the company shall forfeit and pay for every such offence, the sum of twenty dollars, to be collected as other fines and penalties of the city.

*NOTE.—As to violation of provisions of section 14, *supra*, and liability arising from violation of speed ordinances, *see*, B. & O. R. R. v. State use of Allison, 62 Md. 489. P., W. & B. R. R. v. Stebbing, 62 Md. 515. B. & O. R. R. v. Mali, 66 Md. 53. B. & O. R. R. v. State, 69 Md. 556. State v. B. & O. R. R., 69 Md. 346. Reidel v. P., W. & B. R. R. Co., 87 Md. 157.

City Code, (1879) Art. 40, Sec. 16. City Code, (1893) Art. 41, Sec. 16.

16. Privilege is granted the several railroad companies to use wood as well as coal or coke as a fuel for steam within the limits of the city of Baltimore; provided, however, that nothing herein contained shall be so construed as to prevent the Mayor and City Council of Baltimore from repealing all or any of the provisions of this section, whenever they may deem it expedient.

Use of wood for generating steam.

City Code, (1879) Art. 40, Sec. 18. City Code, (1893) Art. 41, Sec. 18.

17. This sub-division of this Article is intended to apply to all locomotive engines that now are or may hereafter be used within the limits of the city of Baltimore.

To be applicable to all engines.

CONSTRUCTION OF RAILROADS AND RAILWAYS.

City Code, (1879) Art. 40, Sec. 19. City Code, (1893) Art. 41, Sec. 19.

18. It shall be the duty of the City Engineer from time to time to examine the construction of the several railway tracks authorized by ordinances to be laid within the limits of the city, and to report to the Mayor any obstruction or impediment to the ordinary use of any street or streets, caused by the said tracks being improperly laid and not being in conformity with the provisions of the ordinances authorizing their construction; and it shall be the duty of the Mayor to enforce the ordinance or ordinances relating to the removal of said tracks, unless in his judgment the remedy shall be furnished by the enactment contained in the next succeeding section.

Construction and condition of tracks.

City Code, (1879) Art. 40, Sec. 20. City Code, (1893) Art. 41, Sec. 20.

19. It shall and may be lawful for the Mayor of the city to exercise his discretion in all cases where an obstruction or impediment is caused by the mode of construction of any railway within the city, to the ordinary use of said street, to have the said track entirely removed, or to have the said track so altered or arranged as to abate the evil complained of, by giving notice to said companies or owners

Removal or alteration of tracks.

of said railway tracks, who shall be allowed a reasonable time to make said alteration under the direction of the City Engineer; and upon a failure on the part of said companies or owners to comply with the requirements of said notice, it shall be the duty of the City Engineer to have the said work done, and the bills shall be collected from the owners of said railway tracks by legal proceedings, if the same shall be disputed or remain unpaid for the space of thirty days.

City Code, (1879) Art. 40, Sec. 21. City Code, (1893) Art. 41, Sec. 21.

Obstruction of
gutters.

20. It shall be the duty of the City Engineer to examine the construction of said railways, and enforce strictly all the provisions of ordinances relating to the obstruction of the gutters caused by the laying of said railway tracks; and in all cases of obstruction and impediments of any kind arising from the improper construction of railway tracks, in which no other remedy is now provided by ordinance, it shall be the duty of the City Engineer to give notice to the owners of said railway tracks that unless the said obstructions be removed or altered so as to remedy the evil complained of within a reasonable time, the City Engineer shall proceed to have the said railway reconstructed at the cost of the owners aforesaid.

City Code, (1879) Art. 40, Sec. 22. City Code, (1893) Art. 41, Sec. 22.

Penalty.

21. If at any time hereafter any railway shall be constructed within the limits of the city, in a mode or manner so as to obstruct the ordinary use of the street or streets in which the said railway shall be laid down, the owners of said railway shall be subject to a penalty of one hundred dollars, and be liable to a fine of five dollars for each and every day such obstructions shall be permitted to remain after notice of the City Engineer to remove the same.

STREET PASSENGER RAILWAYS.

All Night Cars.

Ord., 182, March 30, 1899.

Intervals for
running all
night cars.

22. The United Railways and Electric Company, the lawful successor of the Consolidated Railway Company is

required to run cars over each of its following lines within the limits of the city of Baltimore, one each way each hour between the hours of one o'clock and five o'clock A. M., leaving each terminus on the hour: The Roland Park and Highlandtown Line, the Carey street and Fort Avenue Line between Fort McHenry and the Park Terminal at Druid Hill and Fulton avenues, the York Road and Frederick Road line, between Arlington Avenue and York Road and Irvington; and the said United Railways and Electric Company as the lawful successor of the Baltimore City Passenger Railway Company is required to run cars over each of its following lines within the limits of the city of Baltimore, one each way each hour between the hours of one o'clock and five o'clock A. M., leaving each terminus on the hour: The Gay Street Line, the Orleans Street Line between Light and Heath Streets and Patterson Park and North Avenues, the Green Line now known as the Pennsylvania Avenue and Canton Line, and the Harford Avenue cars connecting with the other line of cars at Gay and Lexington streets; and any failure to comply with the provisions and requirements of this section shall be punishable by a fine against the said United Railways and Electric Company its lawful successors or assigns of two hundred dollars (\$200) for each and every night it or they shall fail to run cars as hereinbefore provided on any one of the above mentioned lines or routes.

Penalty for failing to run cars as herein provided.

Railway Bed and Tracks.

City Code, (1879) Art. 40, Sec. 23. City Code, (1893) Art. 41, Sec. 30.

23. It shall not be lawful for any passenger railway company to construct any railway track over any of the bridges belonging to the city of Baltimore in any other manner than by notching the regular form of rail, or by laying a bar, three-fourths to one inch in thickness, on the top of the floor of the bridges; and any person or persons or body corporate who shall violate the provisions of this section, shall forfeit and pay a penalty of twenty dollars, and a further penalty of ten dollars for every day such

Street railways, how to be built across bridges.

Bridges, construction of tracks over.

violation shall be continued, to be recovered in the same manner as other fines and penalties are now recoverable.

City Code, (1879) Art. 40, Sec. 37. City Code, (1893) Art. 41, Sec. 34.

Streets between tracks and for two feet on each side to be kept in repair.

24. Said railway companies shall keep the streets covered by said tracks, and extending two feet on the outer limits of either side of said tracks, in thorough repair, at their own expense, and shall free the same from snow or other obstructions, in doing which they shall not cause to be obstructed the other portions of the street on either side of the railway tracks authorized by this Article to be constructed, and for non-compliance, the Mayor and City Council of Baltimore may impose such reasonable fines, not exceeding twenty dollars per square.

Ord. 9, December 9, 1897.

Railways to keep portion of street in repair as provided herein at all events.

25. In all cases where rights or privileges may be hereafter granted to any street railway to use or occupy the streets of Baltimore the railroad company or companies so using the street shall be obliged in every case and shall assume the obligation, whether the same be provided for in the ordinance granting such rights or franchises or not, to keep the portion of the street over which their rails are laid, in repair between the tracks so laid and two feet on either side, and they shall pay the cost of paving and repaving that portion of said street or streets in every case where the street or streets may be paved or repaved by ordinance.

Ord. 34, April 1, 1881. City Code, (1893) Art. 41, Sec. 35. Ord. 101, June 30, 1898.

City Engineer to direct repair of street.

26. When in the judgment of the City Engineer any of the streets occupied by the street railway companies are in bad condition or out of repair between the rails and two feet outside of the outer rails, he shall notify the railway company occupying the street to put the same in repair within the limits above named; and if the City Engineer's order is disregarded and the repairs called for are not made

Railway company to repair portion of street.

within ten (10) days of the date of the notice the City Engineer shall make the repairs and charge the cost thereof to the railway company, with ten per cent. added for supervision and use of tools, and shall take the necessary steps to collect said bill; and the railway company so neglecting, failing or refusing to make such repairs as the City Engineer directs, shall pay a fine of twenty dollars (\$20) for every square or part thereof on the route or line of tracks of said company which it shall so neglect, fail or refuse to repair as directed. Penalty.

Ord. 118, November 5, 1887. Ord. 106, June 3, 1891. City Code, (1893)
Art. 41, Sec. 36.

27. The several street railway companies are authorized from time to time, to spread clean sand or gravel upon and between their rails, in such curves and steep grades as the Commissioner of Street Cleaning shall designate. Any person or corporation violating any of the provisions of this section shall forfeit and pay a fine of fifty dollars for each and every offence. Sand or gravel
to be used
upon rails on
grades and
curves.

Res. May 22, 1893. City Code, (1893) Art. 41, Sec. 60. Ord. 102, June
5, 1896.

28. The Commissioner of Street Cleaning is authorized and directed to require the various railway companies using the streets, avenues or lanes of the city to sprinkle thoroughly with water the streets, avenues or lanes along the lines of their railways, subject to such regulations as to time, manner and extent as he in his discretion may deem best, provided that no sprinkling shall be required to be done except between the first day of May and the first day of November in each year. Required to
sprinkle the
streets with
water.

Ord. 102, June 5, 1896.

29. Any railway neglecting or refusing to sprinkle said streets, avenues or lanes upon or in accordance with the order of said Commissioner of Street Cleaning, as provided

Penalty.

for in the next preceding section shall forfeit and pay a fine of not less than ten dollars (\$10) nor more than twenty-five dollars (\$25) for every time they shall so neglect or refuse to obey the order of said Commissioner of Street Cleaning.

Rules for Street Cars in Motion.

Ord. 134, May 8, 1893. City Code, (1893) Art. 41, Sec. 53.

Speed through
markets.

30. It shall not be lawful for any company now or hereafter to be operated as a city passenger railway company, to propel or haul its cars at a greater speed than four miles an hour while, passing through the legal limits of any of the city markets during market hours. For each and every violation of any of the provisions of this section, the offender, upon conviction thereof, shall be liable to a fine of ten dollars.

Ord. 186, May 25, 1893. City Code, (1893) Art. 41, Sec. 52.

Steam railroad
or rapid
transit
crossings.

31. All cars propelled by steam, electricity or other power, shall come to a full stop before reaching steam railroad or rapid transit crossings, and must not start until the conductor has satisfied himself that the crossing is safe and given the bell to the motorman. Any person violating any of the provisions of this section shall be subject to a fine of five dollars for each and every offence.

Penalty.

Ord. 157, May 12, 1893. City Code, (1893) Art. 41, Sec. 54.

Speed in
crossing
open streets.

32. No traction, cable, electric or other city passenger railway car or cars not drawn by horse power shall cross any open street within the limits of the city of Baltimore, at a speed greater than six miles an hour; for each and every violation of this section, the offender, upon conviction thereof shall be liable to a fine of five dollars and costs.

Penalty.

Ord. 119, May 4, 1893. City Code, (1893) Art. 41, Sec. 59. Ord. 224, March 15, 1905.

33. Each and every passenger street car in the city of Baltimore shall stop on the far side of the street crossing when stopping to take on passengers or to permit them to alight; provided, however, that it shall not be obligatory upon the company operating such street car to take on passengers or permit them to alight on the near side when such car has come to a full stop before reaching steam railroad or rapid transit crossings. Cars to stop on far side.

Ord. 224, March 15, 1905.

34. All companies operating passenger street cars in the city of Baltimore which shall fail to comply with the provisions of the next preceding section of this Article, shall, upon conviction thereof, be liable to a fine of not less than five nor more than ten dollars for each and every failure. Penalty.

Ord. 104, May 28, 1894.

35. Any and all street cars in Baltimore city, when propelled by horses, electricity, or other motive power, shall be stopped on the near side of, and before passing any engine or hook and ladder house of the Fire Department, so as to avoid accidents to the members and apparatus of the Fire Department when coming out of their respective houses to answer alarms of fire. Where cars shall be stopped.

Ord. 104, May 28, 1894.

36. All city passenger railway companies now being operated as such, or which may be hereafter granted the privilege of so doing, who shall fail to comply with the Penalty.

provisions of the next preceding section of this Article, shall, upon conviction thereof, be liable to a fine of not less than five nor more than ten dollars for each and every failure.

City Code, (1879) Art. 40, Sec. 31. City Code, (1893) Art. 41, Sec. 32.

Cars not to remain standing on tracks.

37. The cars running upon said railways shall not remain standing on the line of their routes for passengers, but shall be subject to all the police regulations which are now or may hereafter be contained in the ordinances of the city, in regard to railway cars or other vehicles, so far as said regulations may be applicable thereto.

Trolley and Brakes.

Ord. 3, October 18, 1899.

Prohibits the pulling off or interfering with trolley or trolley rope.

Brakes.

38. It shall not be lawful for any unauthorized person or persons, whether passengers or not, to intentionally pull or otherwise interfere with the trolley or trolley rope so that the trolley wheel shall be pulled from the overhead trolley wire, or to apply or put on the brakes of any electric street railway car within the limits of the city of Baltimore, under a penalty of not less than five dollars nor more than twenty dollars.

Penalty,

Safety Devices on Cars.

Ord. 129, May 8, 1893. Ord. 219, October 14, 1893. City Code, (1893) Art. 41, Secs. 55, 56. Ord. 140, October 6, 1894.

Car fenders to be provided.

39. All city passenger railway companies using any of the streets of Baltimore for the purpose of running thereon street railway cars propelled by any species of mechanical traction, shall provide for each car or train of cars a car-fender or fenders with both front and wheel guards of a design which the Mayor, City Register, and City Engineer shall have certified in writing over their signatures to, in

their judgment, comply with the requirements set forth in the report made to the commission appointed under the provisions of Resolution of the Mayor and City Council of Baltimore No. 184, approved April 28, 1894, by Mendes Cohen, engineer to said commission.

Ord. 140, October 6, 1894.

40. A failure on the part of any of said companies Penalty. to comply with the provisions of the next preceding section of this Article, shall subject such company so in default to a fine or penalty of five dollars a day for each and every car operated without said fender or fenders.

Ord. 181, March 30, 1899. Ord. 77, November 20, 1900.

41. The companies operating lines of railways on the streets of the city are required to run cars during the period from the first day of December to the first day of April in each and every year, which shall be vestibuled by enclosing both ends of the cars from roof to dashboard, excepting at the two sides of the platform, said enclosure to consist of glass and necessary frame work of wood or metal, and during the period mentioned it shall not be lawful for said companies to run any car on any of the streets occupied by their tracks within the limits of the city not so provided with the shelter aforesaid. Cars to be vestibuled.

Ord. 181, March 30, 1899.

42. Any of the passenger railway companies operating the lines of railway in the streets of the city which shall fail to comply with the requirements of the next preceding section of this Article by running cars anywhere within the city limits during the period aforesaid, as prescribed in the next preceding section of this Article, without having vestibuled or provided the said cars with shelter as described in the next preceding section for the purpose of protecting the said motormen, conductors, and passengers Penalty for non-compliance.

from the rigors of the weather, as aforesaid, shall be liable to a penalty of fifty dollars (\$50) for each and every trip made by any cars so run.

Ord. 5, February 5, 1892. City Code, (1893) Art. 41, Sec. 57.

Trailers to be
protected by
guards.

43. It shall be the duty of all passenger railway companies within the city of Baltimore which shall use any cars as trailers, which are attached to and drawn after any other cars, to cause the wheels of such trailers to be protected by proper guards so as to prevent any person from being injured by said wheels.

Ord. 5, February 5, 1892. City Code, (1893) Art. 41, Sec. 58.

Penalty.

44. Any passenger railway company which shall use any trailers without the guards mentioned in the next preceding section, shall be subject to a penalty of five dollars for each and every day that any trailer without such guards shall be so used.

Right of Way on Tracks.

City Code, (1879) Art. 40, Sec. 81. City Code, (1893) Art. 41, Sec. 33.

Vehicles not to
delay cars.

45. No person shall be allowed to use street vehicles on the tracks of any of the street passenger railways to the hindrance and delay of the cars, and all persons who, upon the call or signal of any driver, conductor or other persons in charge of a car passing on its route, wilfully neglect or refuse to vacate said tracks, shall be subject to a fine of not more than ten dollars, nor less than five dollars.

City Code, (1879) Art. 40, Secs. 24, 25, 26. City Code, (1893) Art. 41, Sec. 31.

Use by vehi-
cles of tracks.

46. All vehicles going in the same direction, and upon the track with a passenger railway car, shall be entitled to the right of way of such track, and not compelled to leave

the same for vehicles traveling in an opposite direction. This section shall not in any way conflict with the right of way already granted the several city passenger railway companies for the use of their tracks. Each and every person violating the provisions of this section, shall be liable to a penalty of two dollars.

47. All fines and penalties incurred by the violation of any of the provisions of this Article, shall be recovered as other fines and penalties imposed by ordinance are recoverable, and when collected shall be paid to the Comptroller.

Recovery of
fines and
penalties im-
posed for the
violation of
provisions of
this Article.

NOTE RELATING TO CERTAIN RAILROADS AND RAILWAYS.

The following is a list of the ordinances and resolutions of the Mayor and City Council of Baltimore, heretofore duly passed, relating to the several railroad and railway companies respectively, under the corporate titles of which they are respectively grouped:**

RAILROADS.

BALTIMORE AND OHIO RAILROAD COMPANY.†

The several ordinances and resolutions relating to the Baltimore and Ohio Railroad Company are as follows:

Res. 69, April 16, 1828.	Ord. 22, May 10, 1850.
Ord. 28, March 28, 1829.	Ord. 49, June 10, 1850.
Ord. 18, April 4, 1831.	Ord. 75, July 22, 1852.
Ord. 34, April 25, 1831.	Res. 175, July 22, 1852.
Ord. 41, April 6, 1832.	Ord. 48, May 24, 1853.
Ord. 42, April 26, 1836.	Ord. 6, December 16, 1853.
Ord. 41, April 7, 1837.	Ord. 5, December 27, 1853.
Ord. 9, February 28, 1843.	Ord. 38, May 18, 1860.
Ord. 21, April 19, 1845.	Ord. 42, June 13, 1860.
Ord. 37, May 2, 1845.	Ord. 101, October 18, 1860.
Ord. 6, April 3, 1850.	Ord. 72, May 18, 1864.

**NOTE.—For a table or tree showing the origin of the United Railways and Electric Company and the various consolidations of its constituent companies, *see* Appendix "D" at end of Code.

†NOTE.—For prior compilations of ordinances relating to the Baltimore and Ohio Railroad Company, *See*, City Code, (1879) Art. 40, Secs. 142-190. Supplement of 1885, Art. 40, Secs. 190A-190T. City Code, (1893) Art. 41, Sec. 23.

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| Res. 200, October 22, 1864. | Res. 149, May 1, 1893. |
| Ord. 6, March 20, 1867. | Ord. 105, June 12, 1895. |
| Ord. 22, April 10, 1868. | Res. 67, May 13, 1896. |
| Ord. 52, July 17, 1869. | Ord. 133, September 4, 1896. |
| Res. 198, April 10, 1873. | Ord. 136, September 15, 1896. |
| Ord. 40, April 12, 1873. | Res. 130, October 21, 1896. |
| Res. 313, June 4, 1873. | Ord. 5, February 5, 1897. |
| Res. 45, June 8, 1874. | Ord. 19, May 24, 1897. |
| Res. 140, April 19, 1878. | Ord. 20, May 24, 1897. |
| Res. 212, June 30, 1879. | Ord. 85, October 13, 1897. |
| Ord. 34, March 20, 1880. | Ord. 15, March 3, 1898. |
| Ord. 60, April 22, 1880. | Ord. 17, March 4, 1898. |
| Ord. 100, May 11, 1880. | Ord. 154, February 10, 1899. |
| Res. 148, May 11, 1880. | Ord. 199, April 27, 1899. |
| Ord. 122, May 25, 1880. | Ord. 200, April 27, 1899. |
| Ord. 146, October 22, 1880. | Ord. 201, April 27, 1899. |
| Ord. 6, February 9, 1881. | Ord. 88, December 12, 1900. |
| Ord. 39, April 5, 1881. | Res. 6, December 16, 1901. |
| Ord. 63, May 5, 1881. | Ord. 116, January 16, 1903. |
| Ord. 98, May 21, 1881. | Ord. 135, March 19, 1903. |
| Ord. 9, February 21, 1882. | Ord. 142, April 16, 1903. |
| Ord. 7, February 23, 1882. | Res. 10, May 20, 1904. |
| Res. 48, March 1, 1882. | Ord. 80, May 21, 1904. |
| Ord. 11, March 9, 1883. | Ord. 81, May 21, 1904. |
| Res. 89, April 12, 1883. | Ord. 105, June 20, 1904. |
| Ord. 41, April 25, 1883. | Res. 11, June 20, 1904. |
| Ord. 108, October 20, 1883. | Ord. 124, June 29, 1904. |
| Ord. 119, June 2, 1884. | Ord. 141, October 21, 1904. |
| Ord. 10, March 11, 1885. | Ord. 176, December 22, 1904. |
| Ord. 16, March 18, 1885. | Ord. 235, April 6, 1905. |
| Ord. 12, March 24, 1887. | Ord. 237, April 15, 1905. |
| Ord. 7, March 14, 1888. | Ord. 67, January 29, 1906. |
| Res. 80, April 14, 1888. | Ord. 68, January 29, 1906. |
| Res. 76, May 14, 1889. | Ord. 69, January 29, 1906. |
| Ord. 63, May 16, 1889. | Ord. 107, March 30, 1906. |
| Ord. 87, June 7, 1889. | Ord. 126, May 7, 1906. |
| Res. 119, June 8, 1889. | Ord. 157, June 18, 1906 |

*Baltimore Belt Railroad Company.***

The several ordinances and resolutions relating to the Baltimore Belt Railroad Company are as follows :

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| Ord. 83, May 14, 1890. | Res. 129, October 21, 1896. |
| Ord. 84, May 14, 1890. | Ord. 81, July 25, 1902. |
| Ord. 51, April 18, 1892. | Ord. 48, March 1, 1904. |
| Ord. 19, February 27, 1893. | |

**NOTE.—In reference to the Baltimore Belt Railroad Company, *see*, City Code, (1893) Art. 41, Secs. 28, 28A.

MARYLAND AND PENNSYLVANIA RAILROAD COMPANY.

The several ordinances relating to the Maryland and Pennsylvania Railroad Company, also known heretofore as the Baltimore and Delta Railroad Company, the Maryland Central Railroad Company, and the Baltimore and Lehigh Railroad Company, are as follows: †

Ord. 94, May 18, 1881.

Ord. 27, March 20, 1882.

MARYLAND DELAWARE AND VIRGINIA RAILROAD COMPANY.

The following resolution relates to said last named railroad company :

Res. 24, March 24, 1905.

NORTHERN CENTRAL RAILWAY COMPANY.**

The several ordinances and resolutions relating to the Northern Central Railway Company are as follows :

Ord. 33, April 25, 1831.

Ord. 119, October 19, 1882.

Ord. 31, April 10, 1837.

Ord. 100, October 20, 1883.

Ord. 36, April 19, 1839.

Ord. 88, May 24, 1884.

Ord. 1, August 13, 1839.

Ord. 89, May 24, 1884.

Res. 33, February 29, 1840,

Res. 169, June 23, 1886.

Ord. 5, May 1, 1840.

Ord. 155, October 21, 1889.

Ord. 38, May 2, 1845.

Ord. 62, May 5, 1890.

Ord. 20, April 6, 1849.

Ord. 132, June 11, 1890.

Ord. 55, June 20, 1854.

Ord. 136, June 12, 1890.

Res. 180, June 26, 1856.

Ord. 137, June 13, 1890.

Ord. 51, June 10, 1857.

Ord. 23, April 4, 1898.

Ord. 39, May 11, 1863.

Ord. 27, April 4, 1898.

Ord. 31, May 18, 1865.

Ord. 4, October 18, 1899.

Ord. 76, June 20, 1866.

Ord. 7, October 29, 1899.

Ord. 77, September 20, 1868.

Ord. 30, January 4, 1900.

Res. 93, March 30, 1870.

Ord. 42, April 2, 1900.

Ord. 38, May 5, 1874.

Ord. 61, June 6, 1902.

Ord. 102, June 3, 1876.

Ord. 39, January 11, 1904.

Ord. 103, June 3, 1876.

Ord. 120, June 29, 1904.

Ord. 3, November 18, 1878.

Ord. 242, April 24, 1905.

Ord. 55, April 14, 1880.

Ord. 27, November 24, 1905.

Ord. 107, May 31, 1881.

†NOTE.—For prior compilations of ordinances in relation to the Maryland and Pennsylvania Railroad Company, and its predecessor companies, *see*, City Code, (1885) Supplement, Art. 40, Secs. 269-273. City Code, (1893) Art. 41, Sec. 29.

**NOTE.—For prior compilations of ordinances and resolutions relating to the Northern Central Railway Company, and its constituent companies, *see*, City Code, (1879) Art. 40, Secs. 204-245. Supplement 1885, Art. 40, Secs. 245A-245K. City Code, (1893) Art. 41, Sec. 24.

In the foregoing list, those ordinances given of date prior to and including Ord. 55, June 20, 1854, relate to the Baltimore and Susquehanna Railroad Company, a constituent company of the said Northern Central Railway Company.

**PHILADELPHIA, BALTIMORE AND WASHINGTON
RAILROAD COMPANY.****

The several ordinances and resolutions relating to the constituent companies of the Philadelphia, Baltimore and Washington Railroad Company are as follows :

Baltimore and Port Deposit Railroad Company.

Ord. —, August 2, 1837.	Ord. 70, June 16, 1853.
Ord. 26, April 9, 1849.	

*Philadelphia, Wilmington and Baltimore Railroad
Company.*

Ord. 14, April 18, 1862.	Ord. 92, June 16, 1886.
Ord. 42, June 2, 1862.	Res. 169, June 23, 1886.
Res. 88, May 23, 1863.	Res. 152, November 6, 1889.
Res. 354, July 15, 1868.	Res. 183, March 30, 1899.
Ord. 82, October 1, 1879.	Ord. 79, November 30, 1900.
Ord. 51, May 1, 1882.	Ord. 136, March 19, 1903.
Ord. 119, October 19, 1882.	Ord. 147, May 1, 1903.
Res. 44, March 26, 1886.	Ord. 134, August 15, 1904.

Baltimore and Potomac Railroad Company.

Ord. 37, May 29, 1869.	Res. 71, March 23, 1877.
Ord. 49, April 25, 1870.	Ord. 93, April 24, 1893.
Res. 458, July 23, 1875.	

UNION RAILROAD COMPANY.†

The several ordinances and resolutions relating to the Union Railroad Company are as follows :

Ord. 2, December 1, 1870.	Res. 145, October 15, 1887.
Ord. 77, June 21, 1873.	Ord. 36, April 5, 1890.
Ord. 89, May 24, 1884.	

****NOTE.**—For prior compilations of ordinances and resolutions relating to the constituent companies of the Philadelphia, Baltimore and Washington Railroad Company, *see*, City Code, (1879) Art. 40, Secs. 191-203, 246-248. Supplement 1885, Art. 40, Secs. 248A, 248B. City Code, (1893) Art. 41, Secs. 24, 25.

†NOTE.—In relation to the Union Railroad Company, *see*, City Code, (1879) Art. 40, Secs. 249-251. City Code, (1893) Art. 41, Sec. 26.

**WESTERN MARYLAND RAILROAD COMPANY, WESTERN
MARYLAND TIDEWATER RAILROAD COMPANY, AND
WESTERN MARYLAND RAILROAD TERMINAL
COMPANY. (a)**

The several ordinances and resolutions relating to the Western Maryland Railroad Company are as follows :

Ord. 95, October 22, 1873.	Ord. 18, March 9, 1898.
Ord. 22, April 3, 1879.	Ord. 32, February 8, 1900.
Ord. 33, April 17, 1879.	Ord. 52, May 7, 1902.
Ord. 71, May 10, 1882.	Ord. 253, May 2, 1905.
Ord. 114, October 9, 1882.	Ord. 26, November 18, 1905.
Ord. 11, March 10, 1886.	Ord. 159, June 18, 1906.
Ord. 93, April 24, 1893.	

The several ordinances relating to the Western Maryland Tidewater Railroad Company are as follows :

Ord. 23, April 5, 1889.	Ord. 133, June 11, 1890.
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The ordinance relating to the Western Maryland Railroad Terminal Company is :

Ord. 92, May 25, 1882.

STREET PASSENGER RAILWAY COMPANIES.

BALTIMORE TERMINAL COMPANY.

The following ordinance relates to this Company :

Ord. 123, April 27, 1906.

MARYLAND ELECTRIC RAILWAY COMPANY.

The following ordinance relates to the Maryland Electric Railway Company :

Ord. 173, June 22, 1906.

UNITED RAILWAYS AND ELECTRIC COMPANY.

The several ordinances and resolutions relating to the United Railways and Electric Company and its constituent companies are as follows:**

(a) NOTE.—For prior compilations of ordinances relating to the Western Maryland Railroad Company, Western Maryland Tidewater Railroad Company, and the Western Maryland Terminal Company, *see*, City Code, (1879) Art. 40, Sec. 252. Supplement of 1885, Art. 40, Secs. 253-268. City Code, (1893) Art. 41, Sec. 27.

**NOTE.—For prior compilations of ordinances and resolutions relating to the constituent companies of the United Railways and Electric Company, *see*, City Code, (1879) Art. 40, Secs. 27, 57, 58, 77-102, 108-116, 119-130, 138-141. City Code, Supp. (1885) Art. 40, Secs. 77E, 91A-91G, 116A-116K, 130A-130F, 311-337, 347-364. City Code, (1893) Art. 41, Secs. 37-51, 37A, 39A, 45A, 46A, 48A.

United Railways and Electric Company.

Ord. 103, January 16, 1901.	Ord. 148, May 8, 1903.
Ord. 118, April 26, 1901.	Ord. 16, October 28, 1903.
Ord. 136, May 13, 1901.	Ord. 45, March 1, 1904.
Ord. 143, June 20, 1901.	Ord. 48, March 1, 1904.
Ord. 144, June 20, 1901.	Ord. 193, February 6, 1905.
Ord. 44, April 15, 1902.	Ord. 224, March 15, 1905.
Ord. 54, May 7, 1902.	Ord. 238, April 19, 1905.
Ord. 74, June 11, 1902.	Ord. 122, April 27, 1906.

Baltimore and Hall Springs Passenger Railway Company.

Ord. 90, July 16, 1872.	Ord. 91, October 24, 1879.
Ord. 107, October 18, 1872.	Res. 83, March 31, 1880.
Ord. 47, June 9, 1874.	Ord. 30, April 1, 1881.
Ord. 101, May 25, 1875.	Ord. 18, March 20, 1885.

Baltimore and Harford Turnpike Road Company.

Res. 44, March 8, 1892.

Baltimore and Herring Run Railroad Company.

Ord. 99, November 1, 1873.

Baltimore and Northern Electric Railway Company.

Ord. 159, February 16, 1899.

Baltimore and Powhatan Railway Company of Baltimore County.

Ord. 115, September 18, 1886.	Ord. 153, July 2, 1890.
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Baltimore and Randallstown Horse Railroad Company.

Ord. 63, May 24, 1873.

Baltimore and Yorktown Turnpike Railway Company.†

Ord. 7, February 17, 1863.	Ord. 30, April 1, 1881.
Ord. 15, March 21, 1863.	Ord. 100, May 27, 1881.
Ord. 40, June 20, 1865.	Ord. 23, April 8, 1891.
Ord. 130, October 14, 1871.	

Baltimore, Canton and Point Breeze Railway Company.

Ord. 50, April 18, 1892.

Baltimore, Catonsville and Ellicott's Mills Passenger Railway Company.

Res. 345, May 26, 1875.

†See, *B. & Y. T. R. v. Boone*, 45 Md. 344.

Baltimore City Passenger Railway Company.

Ord. 44, March 28, 1859.	Ord. 20, March 16, 1880.
Ord. 3, November 25, 1859.	Ord. 102, June 6, 1882.
Ord. 44, June 28, 1860.	Ord. 80, May 14, 1885.
Ord. 70, August 1, 1860.	Ord. 85, May 18, 1887.
Ord. 54, September 11, 1865.	Ord. 115, October 18, 1887.
Ord. 56, September 22, 1865.	Ord. 35, April 26, 1889.
Ord. 9, February 23, 1866.	Ord. 102, October 8, 1892.
Ord. 32, May 11, 1869.	Ord. 207, July 21, 1893.
Ord. 27, March 30, 1870.	Ord. 21, March 20, 1894.
Ord. 3, November 29, 1870.	Ord. 66, May 7, 1894.
Ord. 4, November 18, 1871.	Ord. 34, June 23, 1897.
Ord. 88, July 5, 1872.	Ord. 61, July 10, 1897.
Ord. 147, October 9, 1875.	Ord. 60, May 18, 1898.
Ord. 49, May 14, 1879.	Res. 81, June 13, 1898.

Baltimore Consolidated Railway Company.

Ord. 78, October 4, 1897.	Ord. 97, June 16, 1898.
Ord. 11, February 1, 1898.	Ord. 196, April 25, 1899.

Baltimore, Halethorpe and St. Denis Railway Company.

Ord. 13, February 15, 1898.	Ord. 26, April 4, 1898.
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Baltimore, Highlandtown and River View Railway Company.

Ord. 77, July 5, 1879.

Baltimore, Peabody Heights and Waverly Railroad.

Ord. 27, March 28, 1872.	Ord. 36, April 28, 1879.
Ord. 74, June 7, 1872.	Ord. 150, October 25, 1880.
Ord. 106, June 8, 1875.	Ord. 155, July 2, 1890.
Res. 224, June 10, 1878.	Ord. 23, April 8, 1891.

Baltimore, Pimlico and Pikesville Railway Company.

Res. 274, June 5, 1874.	Res. 179, July 3, 1890.
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Baltimore Traction Company.

Res. 63, March 26, 1890.	Ord. 58, April 26, 1894.
Res. 64, March 26, 1890.	Ord. 62, April 28, 1894.
Ord. 123, June 7, 1890.	Ord. 36, April 20, 1895.
Ord. 38, April 7, 1894.	Ord. 108, June 22, 1896.
Ord. 39, April 7, 1894.	Ord. 116, July 22, 1896.
Ord. 40, April 7, 1894.	Ord. 145, October 12, 1896.
Ord. 57, April 26, 1894.	

Baltimore Union Passenger Railway Company.

Ord. 47, April 5, 1880.	Ord. 96, June 16, 1886.
Ord. 150, October 25, 1880.	Ord. 98, September 30, 1887.
Ord. 30, April 1, 1881.	Ord. 155, July 2, 1890.
Ord. 65, May 5, 1881.	Ord. 23, April 8, 1891.
Ord. 40, April 6, 1882.	Ord. 47, April 8, 1892.

Central Cross Town Line.

Ord. 54, April 21, 1881.

Central Railway Company.

Ord. 57, April 27, 1881.	Ord. 44, April 12, 1894.
Ord. 116, October 31, 1881.	Ord. 115, July 11, 1896.
Ord. 2, February 17, 1883.	Ord. 21, May 25, 1897.
Ord. 114, May 29, 1884.	Ord. 25, May 28, 1897.
Ord. 56, May 2, 1885.	Ord. 31, June 18, 1897.
Ord. 115, June 8, 1891.	Ord. 14, March 2, 1898.
Ord. 19, March 2, 1892.	Ord. 60, May 18, 1898.
Ord. 62, April 27, 1892.	

Citizen's Railway Company.

Ord. 70, July 9, 1868.	Ord. 88, October 4, 1878.
Ord. 85, June 29, 1870.	Ord. 30, April 1, 1881.
Ord. 109, June 19, 1871.	Ord. 22, March 25, 1884.
Ord. 7, November 22, 1871.	Ord. 41, April 18, 1887.
Res. 390, November —, 1872.	Ord. 56, May 4, 1887.
Ord. 2, November 17, 1874.	Ord. 18, March 22, 1889.
Res. 307, September 26, 1876.	

City and Suburban Railway Company.

Ord. 121, May 4, 1893.	Res. 223, May 22, 1894.
Ord. 34, April 2, 1894.	Ord. 8, February 27, 1896.

Columbia and Maryland Railway Company.

Res. 68, May 27, 1898.

Edmondson Avenue, Catonsville and Ellicott City Electric Railway Company.

Ord. 109, October 17, 1892.	Ord. 124, July 27, 1896.
Ord. 36, April 20, 1895.	Res. 10, March 3, 1896.
Ord. 11, March 3, 1896.	Res. 33, April 12, 1897.

Falls Road Electric Railway Company.

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| Ord. 105, June 11, 1896. | Ord. 10, February 27, 1897. |
| Ord. 9, February 27, 1897. | |

Highlandtown and Point Breeze Railway Company.

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| Ord. 109, October 4, 1881. | Ord. 97, June 16, 1886. |
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Monumental City Passenger Railway Company.

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| Ord. 16, March 8, 1880. | Ord. 69, May 13, 1881. |
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North Avenue Railway Company.

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| Ord. 130, June 18, 1889. | Ord. 23, April 8, 1891. |
| Ord. 173, November 11, 1889. | Ord. 46, April 8, 1892. |
| Ord. 159, July 30, 1890. | Ord. 1, November 18, 1892. |

North Baltimore Passenger Railway Company.

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| Ord. 30, April 1, 1881. | Ord. 42, May 9, 1889. |
| Ord. 40, April 6, 1882. | Ord. 145, September 9, 1889. |
| Ord. 24, March 26, 1884. | Ord. 155, July 2, 1890. |
| Ord. 25, April 2, 1885. | Ord. 23, April 8, 1891. |
| Ord. 63, May 3, 1888. | Ord. 23, March 14, 1892. |

Park Railway Company.

- Ord. 27, March 28, 1872.

Patterson and Druid Hill Parks Railway Company.

- Ord. 115, May 25, 1880.

People's Passenger Railway Company.

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| Ord. 74, June 28, 1878. | Ord. 76, July 5, 1879. |
| Ord. 105, October 23, 1878. | Ord. 30, April 1, 1881. |
| Ord. 16, March 28, 1879. | Ord. 58, April 27, 1881. |

People's Railway Company.

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| Ord. 49, May 2, 1884. | Ord. 80, June 2, 1886. |
| Ord. 104, May 24, 1884. | Ord. 86, June 9, 1886. |
| Res. 176, May 26, 1884. | Ord. 77, May 24, 1889. |
| Ord. 43, April 17, 1886. | |

ARTICLE XXXI.
SABBATH.
ORDINANCES.

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| 1. Driving cattle, horses, etc. through streets on Sabbath forbidden; penalty; proviso excepting cattle arriving by rail. | 2. Selling fruit, confectionery, liquor, etc., prohibited; penalty. | 3. Fishing, hunting, playing games, etc., forbidden; pen- | alty; liability of ordinary or garden keepers. |
| | | 4. Parades in streets by bands or musicians prohibited; penalty; exception as to military companies when ordered out. | |
| | | 5. Recovery of fines and penalties imposed hereunder. | |

City Code, (1879) Art. 42, Sec. 1. City Code, (1893) Art. 43, Sec. 1.

Driving cattle,
&c.

Penalty.

1. It shall not be lawful for any person or persons to drive any cattle, droves of horses, mules, sheep or hogs through any of the streets, lanes or alleys of the city, within the city limits, on the Sabbath day, under a penalty of five dollars per head for each and every offence; provided, that nothing herein contained shall apply to horses and mules brought to the city on the Sabbath day, being taken to the nearest stables; and provided further, that it shall be lawful for all persons bringing live stock to the city by railroad, to have the same conveyed to the cattle pens on the Sabbath day.

City Code, (1879) Art. 42, Sec. 2. City Code, (1893) Art. 43, Sec. 2.

Selling fruit,
confectionery
and liquor.

2. Every person who shall within the city, on the Sabbath day, sell or offer to sell at any wharf or on board any boat, or in any market house, or carry through the streets for sale, any watermelons or other fruit, cakes, ice cream or other confectionery, or any kind of liquor or other articles, shall for such offence pay a fine of five dollars.

City Code, (1879) Art. 42, Sec. 3. City Code, (1893) Art. 43, Sec. 3.

3. Every person who shall fish, hunt, pitch quoits or money, fly a kite, play bandy or ball, or any other game or sport on the Sabbath day within the limits of the city, shall for each offence pay a fine of one dollar; and every ordinary or public garden keeper who shall suffer or allow in or upon his premises any kind of gaming or sport on the Sabbath day, shall, for every individual so permitted to offend, pay ten dollars.

Sporting and gaming.

City Code, (1879) Art. 42, Sec. 4. City Code, (1893) Art. 43, Sec. 4.

4. It shall not be lawful for any band or number of musicians, excepting military companies when called out by the State or municipal authorities, to parade in any of the streets, lanes or alleys of the city on the Sabbath day, with instrumental music, under a penalty of twenty dollars for each member of said band so parading, for each and every offence.

Street bands of music.

5. All fines and penalties imposed for the violation of any of the provisions of this Article shall be recovered as other fines and penalties imposed by ordinance are recoverable and when collected shall be paid to the Comptroller.

Recovery of fines and penalties hereunder.

ARTICLE XXXII.

SCHOOLS.

ORDINANCES.

Buildings and School Property.

- 1. Board of School Commissioners to have charge of.
- 2. Renting of Eastern and Western High School halls; such renting not to interrupt school exercises.

- 3. Revenue from such rental to be paid to Comptroller.

Portable Buildings.

- 4. To lease vacant lots of ground therefor; provisions in lease as to such buildings.

5. Inspector of Buildings to superintend erection of said buildings; contracts for same.
6. Rentals and maintenance of said buildings to be provided for in Ordinance of Estimates.

American Flag on Buildings.

7. Board to purchase flags; to be placed on all school buildings; when to be raised; half-mast on Memorial Day.

Books.

8. Authority of board to collect books from parents of children to whom same have been furnished; penalty for refusal to surrender books; parents liable for value of books lost or mutilated.

Libraries.

9. To be established at City College and High Schools.
10. Board or their appointee to select books; improper books not to be admitted.

Certificates, Diplomas and Prizes.

11. Form of Diploma to graduates of City College; by whom to be signed.
12. Testimonials to graduates of other city schools.
13. Certificates to pupils quitting school before graduation.

Peabody Prizes.

14. Acceptance and distribution of said premiums by board.

Funds.

Receipts and Disbursements.

15. To be made through Comptroller and City Register; when orders are to be honored by said officers.

Bequests, Devises and Donations.

16. When made for benefit of public schools to be paid over by board to City Register; conditions in devise or bequest to be applied under direction of board; board not to withdraw such funds during same year in which received; proviso.

17. All funds to be held subject to order of board; funds received through bequests, etc. to be a separate and distinct revenue.

18. City Register to notify board of receipt of such funds.

19. How such funds shall be drawn; form of warrant or order.

Claims.

20. Prosecution of claims on account of school fund against estates.

Salaries.

21. To be paid monthly to all permanent employes of board.
22. School attendance officers; salaries; payment of same.

Special Instruction.

Parental School.

23. To be established for children habitually truant.
24. Board to make rules and regulations for government of said school.
25. Employment of necessary teachers.
26. Lease of necessary buildings and grounds therefor.

27. In lieu of foregoing provisions board may contract with certain institutions for care and education of such truants; term of confinement; such confinement to be in accordance with rules of board.

Maryland Institute.

28. City to contract with same for instruction of city pupils.

29. Pupils thereto to be appointed by members of City Council; when vacancy occurs member entitled to fill same to be notified.

30. President of institute to report to Mayor and City Council annually names of appointees and vacancies; when Mayor may appoint.

31. Inspection of said institute; payment of tuition charges.

Tuition.

City Pupils.

32. Tuition and use of books and stationery to be free to said pupils.

Non-resident Pupils.

33. Children of non-resident parents to be admitted to schools.

34. Annual tuition fees to be paid for non-resident pupils; Baltimore City College; Balti-

more Polytechnic Institute; Eastern and Western High Schools; Colored High and Training School; grammar schools; how to be paid; credit to non-resident taxpayers; receipted tax bills to be produced.

Contagious Diseases.

35. Duty of physicians and parents when such diseases develop in homes of pupils; penalty for neglect of duty hereunder.

36. Parents to notify teachers when no physician attending such diseases; penalty for neglect.

37. Pupils attending school from families wherein such diseases develop to be excluded from schools by principal thereof; penalty.

38. Teachers exposed to contagion; to certify same to board; not to attend school; certificate of physician that danger of contagion is past; penalty for neglect of provisions hereunder.

39. Duties of vaccine physician where no other physician attending contagious cases.

40. Collection of penalties imposed for violation of provisions of this Article.

BUILDINGS AND SCHOOL PROPERTY.

City Code, (1879) Art. 43, Sec. 15. City Code, (1893) Art. 44, Sec. 18.

1. The Board of School Commissioners shall have charge of all the buildings used for school purposes.

Charge of
buildings.

City Code, (1879) Art. 43, Sec. 16. City Code, (1893) Art. 44, Sec. 19.

Renting of
Eastern and
Western
High School
halls.

2. The said board is authorized and directed to rent out, except for political purposes, for such compensation as to them may seem just and reasonable, the main halls in the Eastern and Western High School buildings, for public purposes, at such times and under such regulations as to them may appear right and proper; provided, the same shall not be rented so as to interfere with or interrupt the regular exercises of the schools.

City Code, (1879) Art. 43, Sec. 17. City Code, (1893) Art. 44, Sec. 20.

Rent to be paid
to Comp-
troller.

3. The revenue derived therefrom, as provided in the next preceding section, shall be accounted for by the said board and paid over by it to the Comptroller.

Portable Buildings.

Ord. 24, December 4, 1903.

To lease vacant
lots of
ground for
portable
school
buildings.

4. The Board of School Commissioners is authorized, with the joint approval, in each instance, of the Comptroller and the President of the Board of Fire Commissioners, to lease, from time to time, vacant lots of ground within any part or parts of the present city limits, for the erection thereon of portable school buildings, for the purpose of meeting temporary school exigencies; the lease in each case to contain a provision that the school building or buildings so erected shall be and remain the property of the city, and upon the expiration of the lease be subject to removal by it.

Ord. 24, December 4, 1903.

Inspector of
Buildings to
superintend
the erection
of same.

5. The Board of School Commissioners is authorized to cause to be erected, subject to the superintendence of the Inspector of Buildings, from time to time on vacant lots of ground so leased, or on vacant lots of ground within any part or parts of the present city limits, owned or acquired by the city with a view to the erection of permanent school

buildings thereon, such portable frame school buildings, the contracts for the erection of such portable school buildings to be awarded with due regard to the provisions of section 99 of the New City Charter, relating to plans for the construction of new school houses, and in conformity with the provisions of sections 14 and 15 of the New City Charter relating to bids for city supplies or work.**

Ord. 24, December 4, 1903.

6. The rentals payable under the leases mentioned in section 4 of this Article, and the cost of erecting and maintaining such portable frame school buildings shall be defrayed out of such appropriations as may be made from time to time for the purpose by the annual ordinance of estimates.

Rentals payable under the leases.

American Flag on Buildings.

Ord. 29, April 9, 1895.

7. The Board of School Commissioners is authorized and directed to purchase a sufficient number of American flags and have the same placed on each and every public school building, each and every day during the session of said schools from the opening of the morning session until the close of the evening session, except when the weather is inclement; said flag shall also be raised on all legal holidays; also on the 30th day of May (known as Memorial Day), from sunrise to sunset at half-mast on said buildings.

Authority to purchase American flags.

When flags are to be raised.

Books.

Res. 77, March 13, 1894. Ord. 125, November 26, 1898.

8. The Board of School Commissioners is empowered to demand and collect from the parents and guardians of children who have attended the public schools but have

Authority to collect school books.

**NOTE.—See Section 99 of City Charter, as modified by Act 1906, ch. 107, *ante*, pages 152, 153.

Penalty for refusal to surrender books.

Parents or guardians to pay for books defaced, mutilated or destroyed.

left the said schools, all books which were furnished the said children during their attendance at said schools if the same are in the possession of said parents or guardians, and in case of the refusal or neglect of the said parents or guardians to deliver to the Board of School Commissioners or its agent such books as may be in their possession after demand therefor they shall be subject to a fine of five dollars (\$5) for each and every offence; said fines to be collected as other fines are now collected; and should any book or books furnished any of the children attending the public schools be lost or wilfully mutilated, defaced or destroyed, the parents or guardians of said children shall be required to pay to the Board of School Commissioners the value of any such book or books so lost, or wilfully mutilated, defaced or destroyed, the same to be recovered as fines and penalties are now collected.

Libraries.

City Code, (1879) Art. 43, Sec. 41. City Code, (1893) Art. 44, Sec. 49.

At City College and High Schools.

9. There shall be established at the Baltimore City College, and at each of the two high schools, a library for their use, without charge, under such regulations as may be adopted by the Board of School Commissioners.

City Code, (1879) Art. 43, Sec. 42. City Code, (1893) Art. 44, Sec. 50.

Selection of books.

10. The selection of the books, which shall be only of an instructive and moral character, shall be made by the said Board of School Commissioners, or some one appointed by them for the purpose, and no book deemed by them to be injurious to the morals of the pupils, or of a sectarian character, whether obtained by purchase or donation, shall be admitted in said libraries; and all books purchased under any future ordinance or resolution of the Mayor and City Council of Baltimore or otherwise, for this purpose, shall be subject to the restrictions herein contained.

CERTIFICATES, DIPLOMAS AND PRIZES.

City Code, (1879) Art. 43, Sec. 28. City Code, (1893) Art. 44, Sec. 36.

11. Whenever any of the pupils of Baltimore City College shall have satisfactorily completed the prescribed term and course of instruction, the Board of School Commissioners shall have the power to confer on them testimonials, in form, substantially as follows, viz: This certificate is given to _____, a pupil of the Baltimore City College, in testimony that he has pursued and satisfactorily completed the studies of the _____ course of _____ years; and said testimonials shall be signed by the president of the board, by the Mayor of the city, with the seal of the city attached, by the Superintendent of Public Instruction, and by the principal of said college.

Diplomas to graduates of City College.

City Code, (1879) Art. 43, Sec. 30. City Code, (1893) Art. 44, Sec. 38.

12. The Board of School Commissioners shall have power to confer testimonials on pupils of the Eastern and Western High Schools, the Baltimore Polytechnic Institute, and the Colored High and Training School, in conformity with the requisitions and provisions of the two next preceding sections.

To graduates of High Schools.

City Code, (1879) Art. 43, Sec. 31. City Code, (1893) Art. 44, Sec. 39.

13. Whenever any pupil shall leave any of the high schools without having completed the prescribed term and course of instruction, then, and in such cases, said board shall have power to confer such testimonials on said pupils as said board may deem to be proper and appropriate to the occasion.

Certificates to pupils quitting before graduation.

Peabody Prizes.

City Code, (1879) Art. 43, Sec. 43. City Code, (1893) Art. 44, Sec. 51.

14. The Board of School Commissioners is hereby authorized to accept and receive the premiums given by

Acceptance and distribution.

the trustees of the Peabody Institute to the Baltimore City College and the high schools, as specified in Mr. Peabody's letter to his trustees; and to have the same distributed from time to time in such a manner as they shall deem most conducive to the benefit of the schools and the objects of the donor.*

*NOTE.—Mr. Peabody in his first letter to his trustees, dated Baltimore, February 12, 1857, (as set forth in the Act of 1858, chapter 209, incorporating the Peabody Institute,) says: "I desire that the trustees, in order to encourage and reward merit, should adopt a regulation by which a number of the graduates of the public high schools of the city, not exceeding fifty of each sex in each year, (who shall have obtained for their proficiency in their studies and their good behaviour certificates of merit from the commissioners or superintending authorities of the schools to which they may be attached), may by virtue of said certificates be entitled as an honorary mark of distinction to free admission to the lectures (at Peabody Institute) for one term or season after obtaining the certificates. I also desire, that for the same purpose of encouraging merit, the trustees shall make suitable provision for an annual grant of twelve hundred dollars; of which five hundred shall be distributed every year in money prizes, graduated according to merit, of sums not less than fifty dollars nor more than one hundred for each prize, to be given to such graduates of the public male high school now existing or which may hereafter be established, as shall in each year upon examination and certificate of the school commissioners or other persons having the chief superintendence of the same, be adjudged most worthy from their fidelity to their studies, their attainments, their moral deportment, their personal habits of cleanliness, and propriety of manners; the sum of two hundred dollars to be appropriated to the purchase, in every year, of gold medals of two degrees, of which ten shall be of the value of ten dollars each, and twenty of the value of five dollars each, to be annually distributed to the most meritorious of the graduating classes of the public female high schools; these prizes to be adjudged for the same merit, and under the like regulations, as the prizes to be given to the graduates of the male high school; the remaining five hundred dollars to be in like manner distributed in money prizes, as provided above for the graduates of the male high school in the same amounts, respectively, to the yearly graduates in the school of design attached to the Mechanics' Institute of this city. To render this annual distribution of prizes effective to the end I have in view, I desire that the trustees shall digest, propose and adopt all such rules and provisions, and procure such correspondent regulations on the part of the public institutions referred to, as they may deem necessary to accomplish the object."

FUNDS.

Receipts and Disbursements.

City Code, (1879) Art. 43, Sec. 13. City Code, (1893) Art. 44, Sec. 16. Receipts and disbursements through Comptroller and City Register.

15. The Comptroller is authorized to receive, through the proper officer, all monies from the teachers, and all other funds due the Board of School Commissioners, and the City Register, upon the approval of the Comptroller, is authorized and directed to pay out of the funds standing in the treasury to the credit of the public schools, any order authorized by law to be honored for school purposes, after the same shall have been examined by the committee on accounts and passed by the board, signed by the president and countersigned by the secretary of the Board of School Commissioners.

Bequests, Devises and Donations.

City Code, (1879) Art. 43, Sec. 24. City Code, (1893) Art. 44, Sec. 29.

16. The Board of School Commissioners is authorized to receive all devises, bequests and donations which may be made for the benefit of the public schools of the city of Baltimore, and all devises, bequests and donations received by the Board of School Commissioners, by virtue either of this section or of any act or acts of the General Assembly of Maryland, shall be paid over by them to the City Register, who shall place the same to the credit of the school fund; and if any condition or conditions be prescribed in any such device, bequest or donation, the same shall be applied under the direction of the Board of School Commissioners, with the sanction of the Mayor and City Council of Baltimore, agreeably to the intention of the testator or donor; and if no condition be prescribed in any such devise, bequest or donation, it shall not be lawful for the Board of School Commissioners to draw all or any part of the amount thereof out of the city treasury during the year in which it was received, unless the appropriations in the annual ordinance of estimates for the support of the schools should fall short of the requirements of the Board of School Commissioners.

Devises, bequests and donations for benefit of public schools.

Ord. 88, September 22, 1883. City Code, (1893) Art. 44, Sec. 30.

To be held
subject to
order of the
board.

17. All funds which shall be paid to or received by the City Register, or in any other way, or through any other person or persons, passed over and transferred to the Mayor and City Council of Baltimore, pursuant to the provisions of sections 808 to 811, of Article 4, of the Code of Public Local Laws, title "City of Baltimore", sub-title, "Miscellaneous Laws," sub-division "Intestates' Estates," shall be held subject to the order of the Board of School Commissioners, in like manner as the funds derived from taxation for said purposes are held, and such funds as may be thus received are declared to be a separate and distinct revenue, to be applied to the use and support of the public schools, in addition to the annual appropriation made for that purpose.

Ord. 88, November 22, 1883. City Code, (1893) Art. 44, Sec. 31.

City Register
to notify
board of re-
ceipt of such
funds.

18. It shall be the duty of the City Register to notify and inform the Board of School Commissioners, by a communication in writing, whenever any funds arising from the aforesaid source shall be hereafter received by him, and the amount of the same.

Ord. 88, November 22, 1883. City Code, (1893) Art. 44, Sec. 32.

How such
funds shall
be drawn.

19. Whenever the Board of School Commissioners shall intend to apply any portion, or all of the aforesaid funds, hereafter received from intestate estates, the warrant or order drawn for said funds, or any portion thereof, shall show upon its face that it is drawn upon said funds; and it shall be the duty of the Comptroller and the City Register to keep a separate account of all receipts and disbursements for said special and specific fund.

Claims.

Res. 256, October 4, 1881. City Code, (1893) Art. 44, Sec. 33.

Prosecution
of claims
against
estate.

20. The Mayor is authorized, upon the presentation to him of satisfactory evidence of the existence of any just and valid claim on the part of the corporation, on account

of the school fund, against a certain estate, and which claim it is, in his judgment, judicious to prosecute, to employ for that purpose the services of one or more agents, and to agree with such agent or agents for such compensation to him or them as he may deem fair and reasonable, provided the said compensation shall be entirely contingent upon the recovery of the money.

Salaries.

City Code, (1879) Art. 43, Sec. 19. City Code, (1893) Art. 44, Sec. 24.

21. The salaries of the superintendent, assistant superintendents and of the teachers and all other persons permanently employed by the Board of School Commissioners, shall be paid monthly, accounting to the last day of each month, by the City Register.

Salaries to be paid monthly.

Ord. 107, December 18, 1902.

22. The school attendance officers, who by virtue of the Act of the General Assembly of Maryland of 1902 are directed to be appointed by the Board of School Commissioners of Baltimore City, shall each receive an annual salary of seven hundred and fifty dollars, (\$750) to be paid at the same time and in the same manner as the salaries of teachers and officers of said board are now paid.

Attendance officers.

SPECIAL INSTRUCTION.

Parental School.

Ord. 89, June 6, 1904, Sec. 1.

23. The Board of School Commissioners is authorized and directed to establish in Baltimore city, in some convenient locality, under such name or title, as said board shall select, a parental school for children between eight and sixteen years of age, who are habitually truants from school or instruction.

For children habitually truant.

Ord. 89, June 6, 1904, Sec. 2.

Board to make
rules and
regulations.

24. The Board of School Commissioners shall have authority to make all rules and regulations for the confinement, maintenance and instruction of said children in said parental school, and for the management of said parental school, as they may deem expedient, and modify and repeal the same at their pleasure; provided such rules and regulations so made or modified, be not inconsistent with the laws of the State or the ordinances of the city; and to prescribe the courses of study, and the books to be used in said school.

Ord. 89, June 6, 1904, Sec. 3.

Teachers for
said school.

25. The Board of School Commissioners is authorized and directed to employ all teachers necessary and proper for the conduct of said parental school, in the manner prescribed by the City Charter, sections 99 to 102, inclusive.

Ord. 89, June 6, 1904, Sec. 4.

Buildings and
grounds to
be leased
therefor.

26. The Board of School Commissioners is authorized and directed to lease all buildings and grounds or portions of buildings or grounds necessary for the conduct of said parental school.

Ord. 89, June 6, 1904, Sec. 5.

In lieu of fore-
going pro-
visions board
may contract
with certain
institutions.

27. Instead of, or in addition to leasing buildings, grounds or portions of buildings or grounds, as authorized by the next preceding section of this Article, the Board of School Commissioners may contract with any house of detention, correction, reformatory, charitable, benevolent or juvenile institution for the education, maintenance and confinement in said institution of those who are habitually truants from school or from instruction; provided, that the confinement of the said children shall be for a term not exceeding the remainder of the school year, from the time of confinement, and provided, that the said instruction, maintenance and confinement shall be subject to the rules and regulations prescribed by the Board of School Commissioners for the conduct of the said parental school.

Term of con-
finement of
such truants.

Maryland Institute.

Ord. 15, March 26, 1887. City Code, (1893) Art. 44, Sec. 53. Ord. 26, March 7, 1893. Ord. 74, October 15, 1900.

28. The Mayor, Comptroller and City Register are authorized and directed to contract with the Maryland Institute for the promotion of the Mechanic Arts for the instruction of pupils in the said Institute's Schools of Art and Design for the period of eight years from the first day of January, 1901.

Contract with Maryland Institute for instruction of city pupils.

Clark v. Md. Institute, 87 Md. 643.

Ord. 15, March 26, 1887. City Code, (1893) Art. 44, Sec. 54. Ord. 26, March 7, 1893. Ord. 74, October 15, 1900.

29. There shall be appointed, annually before the first of September, one pupil by each member of the First and Second Branches of the City Council, who shall be entitled to instruction for the period of four years in said schools, and in case of a vacancy occurring from any cause among said pupils, the president of the Institute shall forthwith notify the member of the City Council representing the ward to which such pupil was credited, who shall thereupon appoint another pupil to fill such vacancy.

Members of First and Second Branches to appoint pupils.

Clark v. Md. Institute, 87 Md. 643.

Ord. 15, March 26, 1887. City Code, (1893) Art. 44, Sec. 55. Ord. 26, March 7, 1893. Ord. 74, Oct. 15, 1900.

30. The president of the Institute shall, annually, in the month of September, report to the Mayor and City Council the names of the pupils so appointed and in attendance upon its schools, together with a list of vacancies, should any exist; and should no appointments be made prior to the first of October by the members of the City Council entitled to fill such vacancies, then the Mayor shall appoint pupils to fill said vacancies.

When Mayor may appoint pupils.

NOTE.—The Maryland Institute forms no part of the public school system of Baltimore. St. Mary's Indus. School v. Brown, 45 Md. 334.

Ord. 15, March 26, 1887. City Code, (1893) Art. 44, Sec. 56. Ord. 26, March 7, 1893. Ord. 74, October 15, 1900.

Payment for
tuition.

31. The Mayor, Comptroller and City Register shall annually, or as much oftener as they may deem expedient, inspect said schools of said Institute and the condition and manner in which the terms of said contract are being fulfilled by the Institute, and thereupon the Comptroller, upon being satisfied that the said contract is being faithfully complied with, shall pay the president of the Institute annually, in quarterly installments, on the first day of April, July and October, and thirty-first day of December, the sum of nine thousand dollars (\$9,000) in full for the education of the said pupils; and the said amount so appropriated shall be used for no other purpose whatever.

TUITION.

City Pupils.

Ord. 141, October 6, 1884. City Code, (1893) Art. 44, Sec. 25.

No charge for
tuition.

32. There shall be no charge for tuition or for the use of books and stationery in any of the public schools, but it shall be the duty of said Commissioners to furnish, free of all cost to the pupils and their parents, all the necessary tuition and the use of books and stationery for the several schools, and in general whatever fuel or other supplies the schools may require, subject, however, to the provisions of the two next succeeding sections of this Article.

School Commissioners *v.* State Board of Education, 26 Md. 513.

Non-Resident Pupils.

City Code, (1879) Art. 43, Sec. 21. City Code, (1893) Art. 44, Sec. 26. Ord. 153, February 7, 1899. Ord. 55, May 8, 1902.

Children of
non-resident
parents to be
admitted to
schools.

33. The public schools of the city of Baltimore are intended to promote the general welfare of its citizens and are maintained exclusively for the education of the children whose parents or guardians are actual residents of said city; but children residing in Baltimore whose parents or guardians are residents of the insular territories or

possessions of the United States shall be admitted to said schools; and children of non-resident parents or guardians may be admitted to said schools upon payment for tuition as prescribed in the following section, subject to such rules as the Board of School Commissioners may from time to time prescribe, and subject always to the prior right of the children of residents of Baltimore to the use of said schools.*

Res. 50, March 2, 1874. Ord. 49, April 20, 1887. City Code, (1893)
Art. 44, Sec. 27. Ord. 153, February 7, 1899. Ord. 55, May 8, 1902.

34. The Board of School Commissioners is directed, before admitting the children of non-resident parents or guardians into the public schools, to charge such parents or guardians the following tuition fees, to wit: For admission to the Baltimore City College, per capita, sixty-two dollars per scholastic year; for admission to the Baltimore Polytechnic Institute, per capita, seventy-two dollars per scholastic year; for admission to the Eastern and Western High Schools, per capita, thirty-eight dollars per scholastic year; for admission to the Colored High and Training School, per capita seventy dollars per scholastic year; for admission to grammar schools, per capita, eighteen dollars per scholastic year; for admission to primary schools, per capita, eighteen dollars per scholastic year. The said tuition fees shall be paid in quarterly installments and invariably in advance, to the Comptroller, on bills rendered by the Board of School Commissioners, for account of the public school fund; such non-resident parents or guardians as may pay taxes to the Mayor and City Council of Baltimore shall be entitled to a credit on such tuition bills to an amount equal to that portion of such taxes which is levied for the support of the public schools, and in case such credit is less than the tuition fee, the balance shall at once become due and payable, but if the proportion of such taxes levied for the support of the

Annual tuition
fees to be
paid by such
parents, etc.

*NOTE.—By resolution 50, March 2, 1874, the Board of School Commissioners are required to enforce this section.

public schools be greater than the tuition fee, no allowance shall be given as against the tuition bill for the subsequent year, nor shall such excess be refunded; such credit on the tuition bills shall be granted only for taxes for the current year, and upon presentation to the Board of School Commissioners of the receipted tax bill or a certified copy thereof.

CONTAGIOUS DISEASES.

Duty of physicians and parents.

Ord. 6, February 21, 1880. City Code, (1893) Art. 44, Sec. 57.

35. It shall be the duty of all physicians who may be in attendance in any family whose child or children may be attending any of the public schools of this city, which family may have a case or cases of scarlet fever, diphtheria, measles, small-pox, chicken-pox, whooping cough, or any other contagious disease, to give a certificate of the same to the parent or parents of the child or children so diseased as soon as the disease is developed; and it shall be the duty of the parent or parents, as soon as the physician certifies that contagious disease exists in his, her or their house, to notify the principal of the school attended by his, her or their children, within twenty-four hours. A failure of parent or physician to comply with the provisions of this section shall subject said parent or physician so offending, to a fine of ten dollars for each and every offence.

Parents to notify teachers.

Ord. 6, February 21, 1880. City Code, (1893) Art. 44, Sec. 58.

36. If there be no physician attending in cases of disease mentioned in the next preceding section of this Article, it shall be the duty of the parent or parents to report the disease to the principal of the school attended by his, her or their child or children, within twenty-four hours from the time the disease is known to be contagious. And any parent who fails to comply with the requirements of this section, shall be fined ten dollars for every offence.

Ord. 6, February 21, 1880. City Code, (1893) Art. 44, Sec. 59.

37. If any parent or physician shall notify any public school teacher of the city that scarlet fever, diphtheria, measles, small-pox, chicken-pox, whooping cough, or any other contagious disease exists in any family whose child or children are attending any of the public schools of this city, then it shall be the duty of the principal of the school to exclude the child or children of said family from the school until the attending physician certifies that all danger from contagion has passed. The principal of any public school who fails to comply with the requirements of this section, shall be fined ten dollars for every offence.

Children to be excluded.

Ord. 6, February 21, 1880. City Code, (1893) Art. 44, Sec. 60.

38. If any teacher or teachers reside, board or lodge in any house where a child or children in such house is suffering with scarlet fever, diphtheria, measles, small-pox, chicken-pox, whooping cough, or any other contagious disease, of which fact the said teacher has been cognizant, then it shall be the duty of said teacher to certify to the same to a member of the Board of School Commissioners, and such teacher shall not perform his or her duties in any public school in this city until a physician attending such case or cases of contagious disease shall certify that all danger from contagion has passed. And for a failure of any teacher to so notify the Board of School Commissioners, or to so absent him or herself from his or her duties until all danger shall have passed, as certified by the attending physician, such teacher shall be fined ten dollars for every such offence.

Teachers exposed to contagion to be absent, when.

Ord. 119, May 25, 1880. City Code, (1893) Art. 44, Sec. 61.

39. When scarlet fever, diphtheria, measles, small-pox, chicken-pox, whooping cough, or any other contagious disease has existed in any family whose child or children have been attending any of the public schools of this city,

Duties of
vaccine
physicians.

which child or children had not been attended by any practicing physician, then it shall be the duty of any vaccine physician who may be applied to for a certificate that all danger from contagion has passed, to visit the premises, if in his district, where said child or children has been sick, and if there should exist no danger from contagion, he should give the certificate applied for free of charge.

Fines and
penalties.

40. All fines and penalties incurred by the violation of any of the provisions of this Article, shall be recovered as other fines imposed by ordinance are recovered, and when collected shall be paid to the Comptroller.

ARTICLE XXXIII.

SEWERS.

ORDINANCES.

Commissioners for Opening Sewers.

1. Composition of board of.
2. Oath of commissioners; form of oath.
3. Oath of commissioners to be recorded; Justice to certify to oath in book where recorded.
4. Duties of clerk to commissioners; to record proceedings of board under direction of City Solicitor; to record orders; to make copies of notices for publication; other duties; board to have services of City Surveyor when required; to compensate persons employed by them; oath of clerk and other employes; record of same.

5. When both damages and benefits assessed to same person, said commission may receive assignment of sum assessed as damages.

Proceedings of Commissioners for Opening Sewers.

Condemnation of Property for Sewers.

6. To give notices required by City Charter before executing ordinances; to meet and proceed to exercise powers, etc.; to assess damages sustained by, and benefits accruing to owners of land, etc.; assessment on property generally benefited; excess of damages over benefits assessed to be paid out of general levy; proviso.

7. Procedure where part only of property is taken and owner claims compensation for whole of same; value of whole lot to be tendered unless owner thereof assents as provided; to sell materials on lot and residue of such lot so taken after giving notice; manner and terms of sale; to execute deed to purchaser; purchaser to give bond; re-sale of property on default of purchaser; notice of re-sale; part only of lot may be taken when to do so would not destroy whole; assessment of damages and benefits in such cases; notice to owner of lot so destroyed; owner to have thirty days in which to make his decision.

8. After valuation as aforesaid, statement of such proceedings to be filed with City Register for inspection of public; what said statement shall show; notice by advertisement of review of proceedings; to consider testimony of owners, etc., at such review; to correct assessments where deemed proper; corrected and certified maps and statement to be deposited with City Register; City Register to notify owners by advertisement that maps and statement have been deposited and of their right of appeal therefrom.

Appeals in Condemnation Proceedings.

9. Procedure upon appeal to Baltimore City Court; City Register to transmit assessment proceedings to City Court; power of said court to hear and determine appeals; jury trial

in appeals; proceedings of commissioners not to be set aside for errors of form; correction of errors, etc.; record of appeals; appeal to Court of Appeals; said record to be evidence in any court of State; costs of appeal; both damages and benefits to be reviewed on appeal.

10. Transfer of proceedings of commission to City Collector; his duty therein; to notify parties assessed for benefits; to sell property for non-payment thereof.

Assessments of Benefits.

DUTIES OF CITY COLLECTOR.

11. Sale of property for non-payment of benefits; notice before sale; disposition of proceeds of such sales.

12. Conditions of such sales; re-sale where purchaser defaults; notice of re-sale; return of proceedings of commissioners to Comptroller.

13. City Collector to execute deed to purchaser; disposition of purchase money.

Property Assessed for Benefits.

14. Assessments of benefits to be liens on property; work not to be begun until damages paid or tendered or consent of parties entitled is given; investment of amount of damages in city stock.

15. Lien transferable to any third person paying benefits on property liable therefor.

16. Appointment of substitute commissioners; oath and duty of such substitute.

17. Commissioners to discriminate between fee and leasehold interests in taking property.

Obstructions in Sewers.

18. Removing obstructions to sewers; expenses of removal; liability of person responsible for same.

Expenses.

19. Per diem of commissioners and their clerks.

Record to be Deposited.

20. Deposit of records of work on each sewer to be made as records are completed.

Duties of City Engineer.

21. To survey route of sewer when ordinance providing for construction is passed; to determine size of same; to superintend the work.
22. Proposals, bids and contracts for sewer work.
23. Penalty for unauthorized tapping of sewers; City Engi-

neer to notify persons using such openings to discontinue same; penalty for disregarding notice; such persons to pay cost of closing same.

Private Sewers.

24. Permits for construction of private sewers on private property to be obtained from Commissioner of Health; penalty; permits for same on public property to be issued by City Engineer; penalty; application for such permits.

Tar or Refuse.

25. Gas tar or similar refuse matter not to be permitted to escape into sewers; prevention thereof; penalty.

Sewerage Commission.

26. Salary of chairman; salaries of other members.
27. Recovery of fines and penalties imposed for violation of provisions of this Article.

COMMISSIONERS FOR OPENING SEWERS.

City Code, (1879) Art. 44, Sec. 1. City Code, (1893) Art. 45, Sec. 1.

Composition.
of board.

1. The Commissioners for Opening Streets, together with the City Engineer, are hereby constituted a board to carry into effect the provisions of this Article.

City Code, (1879) Art. 44, Sec. 2. City Code, (1893) Art. 45, Sec. 2.

Oath.

2. In each and every case, before said commissioners shall proceed to act as a board in the exercise of the powers confided to them by this Article, they shall severally take and subscribe the following oath or affirmation before a Justice of the Peace: "I, A. B., do swear, or solemnly, sincerely and truly declare and affirm, that I will to the

best of my judgment, knowledge and ability, faithfully, impartially and diligently execute the duties of a commissioner for the construction of sewers in the city of Baltimore, according to law and the ordinances of the Mayor and City Council of Baltimore.”

City Code, (1879) Art. 44, Sec. 3. City Code, (1893) Art. 45, Sec. 3.

3. The said oath or affirmation shall be recorded in a book to be provided by the said commissioners for the recording of their proceedings, and the Justice of the Peace in whose presence the said oath or affirmation shall be made and subscribed, shall certify thereto under his hand in the same book.

Oath to be recorded.

City Code, (1879) Art. 44, Sec. 4. City Code, (1893) Art. 45, Sec. 4.

4. The clerk to the said commissioners shall keep a full and true record of all their proceedings in a book provided as aforesaid, under the direction and supervision of the City Solicitor, and in such form as he may prescribe; and the said clerk shall record all orders made by the said commissioners in regard to the performance of their duties, and make true copies of all notices by them directed to be published, and the certificate of the publication thereof; and shall perform such other necessary duties as the said commissioners shall require; and the said commissioners shall also have the power to obtain the services of the City Surveyor, and such other assistants and agents as they may deem necessary, in the exercise of their powers, and allow to such persons so employed by them, such compensation as may be fixed by ordinance, and if not so fixed, such compensation as the said commissioners may deem reasonable, and assess the said compensation and all other necessary charges; and the clerk and other persons to be so employed, shall severally take and subscribe an oath or affirmation similar in substance to that required to be taken and subscribed by said commissioners, which shall be in like manner entered in the record of the proceedings of the said commissioners.

Duties of clerk.

Services of City Solicitor and City Surveyor.

Oath of clerk and employees.

City Code, (1879) Art. 44, Sec. 5. City Code, (1893) Art. 45, Sec. 5.

Benefits and
damages.

5. When the said commissioners shall assess a sum of money to be paid by any person or persons for benefits derived by such person or persons, by constructing, opening, enlarging or straightening any sewer, and shall assess a sum of money to be paid to the same persons for injury sustained by constructing, opening, enlarging or straightening any sewer, it shall and may be lawful, upon a certificate and abstract of title from the City Solicitor, for the City Register or City Collector to receive from such person or persons an assignment for the sum or sums so assessed as damages as aforesaid.

PROCEEDINGS OF COMMISSIONERS FOR OPENING SEWERS.

Condemnation of Property for Sewers.

City Code, (1879) Art. 44, Sec. 6. City Code, (1893) Art. 45, Sec. 6.

To give notices
required by
City Charter
before exe-
cuting ordi-
nances.

6. Whenever the Mayor and City Council of Baltimore shall hereafter by ordinance direct the said commissioners to construct, open, enlarge or straighten any sewer or drain, public or private, through any private property, within the bounds of this city, the said commissioners, having given the notice required by section 822 of Article 4, Public Local Laws, title "City of Baltimore," and having given the notice as prescribed by section 818 of said Article 4, and such other notice or notices as may be prescribed by law or ordinance to the owner or agent of said private property, or to one of them, if more than one, through which any sewer may be intended to pass, of the object of the ordinance under which they are about to act, and of the day, hour and place of their first meeting under the said ordinance, shall meet at the time and place mentioned in the notice so given by them, and proceed to exercise the powers and perform the duties assigned to and required of them, under and by virtue of this Article, and ascertain whether any and what amount in value of damage will thereby be caused to the owner of any right or interest claimed in any ground or improvements within or adjacent to the said

To meet and
proceed to ex-
ercise pow-
ers, etc.

city, over and above the amount in value of benefit which will thereby accrue to such owner, for which, taking into consideration all advantages and disadvantages, such owner ought to be compensated; and in addition thereto, shall award to the occupant or occupants of any lot of ground or of any improvement that may be removed, such damages, if any, as the commissioners or a majority of them, may believe such party or parties have sustained by such removal; and the said commissioners, after having ascertained the whole amount of damages as aforesaid, and after having added thereto an estimate made by them of the probable amount of expenses which will be incurred in the performance of the duties required of them as aforesaid, and also the expense incurred by the City Register under the provisions of this Article, shall proceed to assess all the ground and improvements within and adjacent to the city, the owners of which, as such, the said commissioners shall decide and deem to be directly benefited by accomplishing the object authorized in the ordinance aforesaid, being governed as far as practicable by the number of superficial feet drained; and should the direct benefits assessed as aforesaid not be equal to the damage and expenses incurred, the balance of said expenses and damages shall be paid by the City Register, and be taken out of the general levy—subject, nevertheless, to all such restrictions exempting certain descriptions of property from assessment, as are contained in any law of the State, or in any ordinance of the city.

To assess damages sustained by and benefits accruing to owners of land, etc.

Assessment on property generally benefited.

Rule of assessment.

Excess of expenses over benefits assessed to be paid out of general levy.

Ord. 94, October 22, 1879. City Code, (1893) Art. 45, Sec. 7.

7. In every case where it shall be necessary, in order to effect the object proposed, that a part only of a house and lot, or of a lot, shall be taken and used or destroyed, and the owner or owners thereof shall claim to be compensated for the whole, the said commissioners may ascertain the full value thereof, as if the whole lot and improvements were necessary to be taken and used for such proposed object; and the whole amount of such valuation, when finally decided on, shall be paid or tendered to the owner or owners thereof, or invested in city stock for his, her or

Proceedings where part only of property is taken.

Value of whole lot to be tendered unless owner assents as provided.

their use before any part thereof shall be destroyed, removed or used, unless such owner or owners shall assent thereto in writing, as provided in section 14 of this Article; and the said commissioners, after giving ten days' notice in two of the daily newspapers of the city, of the time and place, manner and terms of sale, shall sell the materials of any house which it shall be necessary to remove, in whole or in part, and the residue of any lot of which a part shall be taken and used as necessary to effect the object confided to the commissioners, and for the whole of which the commissioners may award compensation as hereinbefore provided, at public auction, to the highest bidder for cash, to be paid on the day when full possession shall be given of the property or materials so sold; and the said commissioners, or a majority of them, on receiving the price or sum of money so bid, and not before, shall, by a good and sufficient deed, to be executed and acknowledged by them in the form and manner required by law for conveying the title of lands in this State, convey any ground by them so sold to the purchaser thereof; and such sale shall be made before the commissioners shall proceed to assess the amount of damages and expenses to be assessed as directed by the provisions of this Article; and the said commissioners are duly empowered to take and receive a bond of the purchaser of the property or materials aforesaid, with a penalty to the Mayor and City Council of Baltimore, that the price for which the same was sold shall be duly paid at such time as they, the said commissioners, are prepared to deliver possession of said property and materials, and that the said purchaser shall remove, within sixty days thereafter, such materials so sold, and all rubbish or other obstructions occasioned thereby, and in the event of the purchasers failing forthwith to comply with the terms of said sale, the commissioners shall re-sell the said property or materials at the risk of the former purchaser or purchasers, giving not less than five days' notice of said re-sale in two of the daily newspapers of the city aforesaid; provided, however, that when, in the opinion of said commissioners, the part of a lot necessary to effect the object proposed can be taken without destroying the whole lot for the purposes for which

Sale of materials on lot taken.

When to be made.

Bond from purchaser.

Re-sale.

it is used, or for building purposes, then said commissioners shall condemn such part only of such lot as is necessary for the proposed object, and shall award to the owner or owners of the part of the lot so taken such damages, and assess the remainder thereof such benefits as in their judgment shall be just and proper; provided further, that when a lot is destroyed for the purposes for which it is used, or for building purposes, then the said commissioners shall give a notice in writing to the owner or owners thereof, or their agent or agents, of the damage about to be sustained, and such owner or owners, or their agent or agents as aforesaid, shall have the space of thirty days to determine whether they will surrender or not the lot so damaged.

Part may be taken when lot will not be destroyed; if commissioners so decide.

Owner may surrender within thirty days lot damaged.

City Code, (1879) Art. 44, Sec. 8. City Code, (1893) Art. 45, Sec. 8.

8. As soon as the commissioners aforesaid shall have completed the valuation of damages ascertained by them, as directed by section 6 of this Article, they shall cause a statement thereof to be made out and placed in the office of the City Register for the inspection of all persons desiring information of its contents, and such statement, together with an explanatory map or maps, shall contain a correct description of each separate lot or parcel of ground deemed to have sustained damages, its length and breadth, the name of any street, square, lane or alley on which it bounds; the names of all persons who shall claim any estate or interest in it, and the amount of damages as valued by the said commissioners; and if there be any house or other improvement on it necessary to be removed in whole or in part, a description of the size and such other particulars as the said commissioners shall deem proper, and in like manner a description of each parcel of ground deemed by the said commissioners to be benefited, the name or names of such person or persons as shall claim any estate or interest therein and the amount assessed thereon for benefits; and the said commissioners shall cause a notice

Statement of proceedings to be filed with City Register.

Notice by advertisement of review of proceedings.

To meet and consider testimony given by owners, etc

Notice by City Register.

to be published four successive days, in three daily newspapers of the city, stating the extent of the ground covered by the assessment, and that such statement and map, or maps, have been so deposited with the City Register for examination, and that the said commissioners will meet at their office on a day in such notice to be named, which shall be within ten days after the first publication of such notice, to review any of the several matters set forth in the said statement, to which any person claiming to be interested therein shall, on that day so appointed, make objection; and the said commissioners shall meet at the time and place so appointed, and consider all such representations and testimony on oath or affirmation, verbal or in writing, in relation to any matter in said statement which shall be offered to them on behalf of any person claiming to be interested therein; and the said commissioners shall make all such corrections and alterations in the valuations, assessments and estimates, and all other matters contained in the said statements and explanatory map or maps aforesaid, as in their judgment shall appear to them, or a majority of them, to be just and proper; and they may adjourn from day to day, if necessary, to give all parties claiming a review an opportunity to be heard, not exceeding in the whole ten days; and after closing such review the said commissioners shall make all such corrections in their statement and explanatory map or maps as they shall deem proper, and cause such statement and map or maps so corrected and certified under the hands and seals of said commissioners and their clerk, to be deposited in the office of the City Register as one of the records of the city; and it shall be the duty of the City Register within five days after said proceedings shall have been deposited in his office, to notify all persons interested, by an advertisement to be inserted once a week for four successive week in three of the daily newspapers of the city, that the said assessment and maps have been so placed in his office, and that the parties interested therein are entitled to appeal therefrom by petition in writing to the Baltimore City Court.

Appeals in Condemnation Proceedings.

City Code, (1879) Art. 44, Sec. 9. City Code, (1893) Art. 45, Sec. 9.

9. The Mayor and City Council of Baltimore, or any person or persons, or corporations who may be dissatisfied with the assessment of damages or benefits as hereinbefore provided, may, within thirty days after the return of corrected statement and map or maps to the City Register, as provided in section 8 of this Article, and the first publication of the notice thereof by the City Register, appeal therefrom, by petition in writing, to the Baltimore City Court, praying the said court to review the same, and on any such appeal the court may and shall appoint a day for hearing said appeal, which shall not be less than five nor more thirty days after the expiration of the thirty days limited for taking appeals as aforesaid, and shall direct the clerk of the said court, to issue a *subpœna duces tecum* to the City Register, requiring him to produce and deliver to said court the record of the proceedings of the Board of Commissioners for Opening Sewers in the case, and all map, plats, documents and papers, connected with such record; and the said Baltimore City Court shall have full power to hear and fully examine the subject and decide on the said appeal, and for that purpose is hereby authorized and empowered to adjourn from time to time, and may cause all such appeals to be consolidated, or may hear and decide them separately, and may require the said commissioners, their clerks, surveyor or other agents and servants, or any of them, and all such other persons as the court shall deem necessary to attend, and examine them on oath or affirmation, and may permit and require all such explanations, amendments and additions to be made to, and of, the said record of the proceedings as the court shall deem requisite; and the persons appealing to the Baltimore City Court as aforesaid, shall be secured in the right of a jury trial, and the said court shall direct the Sheriff of Baltimore city to summon twelve or more persons qualified to be jurors, and shall empanel any twelve disinterested persons so summoned or attending the court, to try any question of facts, and if necessary, to view any

Appeal and proceedings upon appeal to Baltimore City Court.

City Register to transmit proceedings to City Court.

Court to hear and determine appeals.

Jury trial.

Duty of
Court.

Appeal to
Court of
Appeals.

Costs.

property in the city or adjacent thereto, to ascertain and decide on the amount of damages or benefits under the direction of the court; and the said court shall not reject or set aside the record of the proceedings of the said commissioners for any defect or omission in either form or substance, but shall amend or supply all such defects and omissions, and increase or reduce the amount of damages and benefits assessed, and alter, modify and correct the said return of proceedings in all or any of its parts, as the said court shall deem just and proper, and shall cause the proceedings and decisions on said returns and appeals to be entered in the book containing the record of the proceedings of said commissioners, certified by the clerk, under the seal of the court, and the book to be transmitted to the City Register, which shall be final and conclusive in every respect, unless an appeal be taken to the Court of Appeals, and such records, book or copy of the proceedings therein, or any part of such proceedings, whether in court or out of court, certified by the City Register, under the corporate seal of the city, shall be evidence in any court in this State; and the Judge of the Baltimore City Court shall have full power, in his discretion, to add the reasonable costs of any appeal, to be taxed by him, or any part thereof, to the damages to be collected for constructing, opening, enlarging or straightening any sewer, or to require such cost, or any part thereof, to be paid by all, or by either of the appellants, as the circumstances of each appeal in his opinion shall justify. Upon every appeal to the Baltimore City Court, from any action of the Commissioners for Opening Sewers, both the damages and benefits assessed by the commissioners to the appellant shall be open for review and correction by the said City Court.

City Code, (1879) Art. 44, Sec. 10. City Code, (1893) Art. 45, Sec. 10.

Transfer of
proceedings
to City
Collector.

10. If no appeal shall have been prayed within ten days after the time hereinbefore limited therefor, or after the return of the decision upon any appeal shall have been made to the City Register, the City Register shall transfer

the said commissioners' return to the City Collector, who shall proceed forthwith to notify the parties assessed for benefits, by means of bills specifying the several sums so assessed, and warning them that if the same be not paid within six months from the date of such transfer of said commissioners' return, he will proceed to sell the specific piece or parts of property on which such unpaid sum or sums of money shall have been assessed, in the manner, and after having given the notice directed by section 11 of this Article.

Notice of sale for non-payment.

Assessments of Benefits.

Duties of City Collector.

City Code, (1879) Art. 44, Sec. 11. City Code, (1893) Art. 45, Sec. 11.

11. If the sums assessed upon the property benefited shall not be paid within the time above limited, the City Collector is hereby authorized and directed to sell the property or any part thereof, on which such assessment has been laid, giving not less than thirty days' notice of said sale, in two of the daily newspapers published in the city of Baltimore; the first insertion of said notice to be made in said newspapers within sixty days after the expiration of the time limited in this Article for the payments of said benefits; and the moneys so collected by the City Collector shall be paid over by him to the Mayor and City Council of Baltimore, as other moneys are directed to be paid over, to be by it paid to the persons entitled to receive the same.

Sale of property for non-payment of benefits.

Notice to be given.

Payments.

M. & C. C. of Baltimore v. Grand Lodge, 44 Md. 437. *Zion Church v. Mayor*, 71 Md. 524.

City Code, (1879) Art. 44, Sec. 12. City Code, (1893) Art. 45, Sec. 12.

12. In all cases in which the City Collector shall sell any property on account of the non-payment of assessments made for the constructing, opening, enlarging or straightening of any sewer, it shall be his duty to sell said property to the extent and subject to the same conditions which are provided by law or ordinance for the sale of

Terms and conditions of sale.

real estate in the city of Baltimore, charged with the payment of other taxes imposed by this corporation ; and in the event of the purchaser or purchasers, failing forthwith to comply with the terms of said sale, the City Collector shall re-sell the same at the risk of the former purchaser, giving not less than ten days' notice in two of the daily newspapers of the city aforesaid ; and after collecting the benefit assessments he shall forthwith return the proceedings of said commissioners to the Comptroller.

Re-sale.

Return of proceedings to Comptroller.

City Code, (1879) Art. 44, Sec. 13. City Code, (1893) Art. 45, Sec. 13.

Deed to purchaser.

13. The City Collector on receiving the full amount of the purchase money on such sale shall execute a deed of conveyance in favor of the purchaser or purchasers, or their assigns or assignees, which shall convey a fee simple or leasehold estate, as the case may be, in and to such property ; and after deducting the costs of sales, advertising and other necessary expenses, he shall pay the balance of such purchase money to the Mayor and City Council of Baltimore, who shall pay over the said balance, after deducting the amount assessed on said property, to the person or persons entitled thereto, on demand, without interest.

Carter v. Woolfork, 71 Md. 283.

Property Assessed for Benefits.

City Code, (1879) Art. 44, Sec. 14. City Code, (1893) Art. 45, Sec. 14.

Benefits to be liens on property.

Work not to be begun until payment or tender of damages.

14. All sums of money assessed by the said commissioners upon property deemed by them to be benefited shall be and continue liens on each several piece of property so assessed to the amount of its particular assessment, until the same shall be paid to the city ; but no sewer shall be constructed, opened, enlarged or straightened on or under the ground of any person or persons, or corporations adjudged by the said commissioners to be entitled to damages for said opening and so forth, without the consent in writing of the person or corporation so entitled, until

such damages shall be paid, or the amount thereof invested in the city stock, for the use of each person or corporation entitled to any part of the compensation for such damages to the amount of his, her or their respective right and interest therein, of which investment the City Register's certificate under the corporate seal of the city shall be competent proof.

Gould v. Mayor, 59 Md. 378. *Central Savings Bank v. Baltimore*, 71 Md. 517. *Zion Church v. Baltimore City*, 71 Md. 524.

City Code, (1879) Art. 44, Sec. 15. City Code, (1893) Art. 45, Sec. 15.

15. Any person or persons not claiming title to any lot or piece of property upon which any sums shall be assessed as aforesaid, may pay the amount of the sum so assessed within the time limited, to the City Register, and obtain his certificate of having paid such sum, without claiming title to the property, and such payments shall vest in the person or persons paying his, her or their heirs, the lien on such lot or property mentioned in section 14 of this Article.

Lien transferable to third party paying benefits.

City Code, (1879) Art. 44, Sec. 16. City Code, (1893) Art. 45, Sec. 16.

16. If it should so happen that any one or more of said commissioners should be interested in any particular case, the Mayor shall make a temporary appointment of a commissioner or commissioners to act in the place and stead of such interested commissioner or commissioners, who shall take the oath or affirmation, as the case may be, and in all respects conduct himself as the commissioners who are appointed by the Mayor.

Appointment of special commissioners.

City Code, (1879) Art. 44, Sec. 19. City Code, (1893) Art. 45, Sec. 19.

17. Whenever any lot or part of a lot, or parcel of ground, may be taken for the purpose of constructing, opening, enlarging or straightening any sewer, and damages assessed therefor, and there shall be an outstanding unexpired term of years therein, the said

Fee and leasehold interest to be discriminated.

commissioners shall discriminate in their proceedings between the value of fee simple or ground rent interest and the leasehold interest.

OBSTRUCTIONS IN SEWERS.

City Code, (1879) Art. 44, Sec. 20. City Code, (1893) Art. 45, Sec. 20.

Obstructions
to be re-
moved.

18. Whenever any obstruction shall have remained in the way of any sewer to be opened, enlarged or straightened, for the space of sixty days after the proceedings of the said commissioners shall have been returned to the City Register, it shall be the duty of said commissioners to cause the same to be removed, and to draw on the City Register for the expenses so incurred, which shall be paid by him; and the Mayor shall forthwith cause a suit for the recovery of said expenses, to be instituted against the person or persons by whose default the said obstruction has been suffered to remain, and the same, when recovered, shall be paid to the Comptroller for the use of the city.

EXPENSES.

City Code, (1879) Art. 44, Sec. 21. City Code, (1893) Art. 45, Sec. 21.

Per diem to
commission-
ers.

19. In each case of constructing, enlarging or straightening any sewer, under the provisions of this Article, the said commissioners, shall, for each and every day in which they and their clerk shall be actually engaged in the performance of their duties, assess as part of the expenses of their proceedings, a per diem as to each of said commissioners and their clerks, of four dollars, to be collected as other expenses are, and to be paid to the Comptroller for the use of the city.

RECORD TO BE DEPOSITED.

City Code, (1879) Art. 44, Sec. 22. City Code, (1893) Art. 45, Sec. 22.

Deposit of
papers with
City Regis-
ter.

20. The said commissioners so soon as they shall have completed their work on each sewer, shall deposit all papers and books relating thereto in the office of the City Register.

DUTIES OF CITY ENGINEER.

City Code, (1879) Art. 44, Sec. 23. City Code, (1893) Art. 45, Sec. 23.

21. When the Mayor and City Council of Baltimore shall pass an ordinance for the opening, constructing, enlarging or straightening of any sewer within the limits of the city, the City Engineer is required to have surveyed the route of said sewer, and to determine the size the same shall be, and to take charge of and superintend the work of such opening, constructing, enlarging or straightening.

City Engineer to survey route.

City Code, (1879) Art. 44, Sec. 24. City Code, (1893) Art. 45, Sec. 24.

22. When it shall have been determined to open, construct, enlarge or straighten any sewer under the provisions of this Article, and when the assessments and survey aforesaid shall have been made, proposals for the opening, constructing, or straightening of such sewer according to plans and specifications to be prepared by the City Engineer shall be invited, and the bids opened and contract awarded according to the requirements of sections 14 and 15 of the City Charter.

Contracts for opening sewers.

City Code, (1879) Art. 44, Sec. 27. City Code, (1893) Art. 45, Sec. 27.

23. If any person or persons, owner or owners, occupier or occupiers, of any lot within the city of Baltimore, shall tap or open, or cause to be tapped or opened, any of the public sewers in the city, without first obtaining the permission of the City Engineer said person or persons, owner or owners, occupier or occupiers, shall forfeit and pay the sum of twenty dollars for each and every such offence; and it shall be the duty of the City Engineer to cause a notice to be served upon such person or persons, owner or owners, occupier or occupiers, directing any of said sewers to be closed when they have been tapped or opened, in the manner prescribed by said notice, and if such person or persons, owner or owners, occupier or occupiers, shall refuse or neglect to comply therewith, he, she or they so refusing or neglecting, shall forfeit and pay the further sum of five dollars for each and every day he, she

Unauthorized tapping of sewers.

Penalty.

Such person to pay expense of closing same. or they shall continue to refuse or neglect to comply therewith, and shall moreover pay the expenses incurred in case such sewer shall be closed under the direction of the City Engineer, which the City Engineer is hereby authorized to have done in cases of such neglect or refusal.

Private Sewers.

City Code, (1879) Art. 44, Sec. 28. City Code, (1893) Art. 45, Sec. 28.

24. Any person or persons or corporation who or which shall construct, alter or repair a private sewer or drain or waste pipe on private property without a permit from the Commissioner of Health, shall be subject to a fine of twenty dollars, and to an additional fine of ten dollars for each and every day the same shall remain; and any person or persons or corporation who or which shall construct, alter or repair any private sewer, drain or waste pipe in any public street, public lane, public alley or other public property, without a permit from the City Engineer, shall be subject to a fine of twenty dollars, and to an additional fine of ten dollars for each and every day the same shall remain; every application for any of the above mentioned permits to erect a private sewer, drain or waste pipe, shall be in writing, signed by the person or persons making the same, and shall name the length of the private sewer, drain or waste pipe proposed to be constructed.

Permits for construction of private sewer on private property to be obtained from Commissioner of Health.

Penalty.

Permits for same on public property to be issued by City Engineer.

Penalty.

Application for such permits.

Tar or Refuse.

Ord. 40, April 20, 1888. City Code, (1893) Art. 45, Sec. 30.

25. It shall not be lawful for the proprietor or proprietors of any gas-houses or gas works in the city of Baltimore to allow any gas tar, or other similar refuse matter, to escape from their said gas-houses or gas works, as that the same may thereafter flow into any of the public sewers of the city of Baltimore, and said proprietors shall construct in connection with said gas-houses or gas works, under the supervision of the City Engineer, such appliances as will in his judgment prevent the flow of said elements into any of said sewers.

Gas tar or similar refuse matter not to be permitted to escape into sewer.

Prevention thereof.

Any person or corporation offending against any provision of this section, shall be subject to a fine of one hundred ^{Penalty.} dollars (\$100) for each and every offence.

SEWERAGE COMMISSION.

Ord. 23, November 15, 1905.

26. The chairman of the Sewerage Commission of the city of Baltimore shall receive a salary of three thousand dollars (\$3,000) per annum, payable monthly, and each of the other five members of the said Sewerage Commission of the city of Baltimore shall receive a salary of fifteen hundred dollars (\$1,500) per annum, payable monthly; all of said salaries to date from the date of the organization of said commission. ^{Salary of chairman.} ^{Salaries of other members.}

27. All fines and penalties incurred by the violation of any of the provisions of this Article, shall be recovered as other fines and penalties imposed by ordinance are recoverable, and when collected shall be paid to the Comptroller. ^{Recovery of fines and penalties imposed under the provisions of this Article.}

ARTICLE XXXIV.

STOCKS, LOANS AND FINANCE.

ORDINANCES.

City Stock.

Stock Certificates.

- | | |
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| <ol style="list-style-type: none"> 1. Form in which to be issued. 2. To be issued in sums of one hundred dollars and equal multiples thereof; transfers; transfer of certificates for less than one hundred dollars. | <ol style="list-style-type: none"> 3. Not to be issued until paid for; application of proceeds. 4. City Register to keep books for recording transfers; to make list of holders and pay interest as due; when books to be closed. 5. Application for renewal of lost or destroyed certificates; application to be advertised. |
|--|--|

6. Applicant to make oath of loss before Mayor; City Register to require proof of ownership by applicant.
7. Applicant to give City Register proof of his or her identity; in absence of proof to give bond for double amount of certificate.

Interest on City Stock.

8. Faith and property of city pledged for payment of same and for redemption of stock.
9. Payment of interest to be provided for in annual ordinance of estimates.
10. Provision to be made for punctually meeting city's engagements.

Investments to Secure Payment of City Stock.

11. Investments of proceeds of sales of city property to be made in city stock; purpose of such investments to be shown on face of certificates; sinking fund; Commissioners of Finance to report to City Council.
12. To lease city property pledged for redemption of public debt; rents to be applied to sinking

fund; terms, etc., of leases; public wharves not to be leased.

13. Property and revenue set apart for redemption of city stock and payment of the interest thereon.
14. Commissioners of Finance to keep books of accounts of said property; to report annually to City Council.

Sinking Fund.

15. Premiums received on loans to be invested in same loan; stock thus purchased to become part of sinking fund.
16. Moneys of sinking fund to be invested in redeemable ground rents of which city is lessee; conveyance of same in trust for benefit of sinking fund.
17. Consolidation of certificates of city stock.
18. City Register to open accounts on books of said commissioners for sinking funds; what such accounts shall show.

Issues of Bonds and City Stock.

19. Provisions of ordinances authorizing same hereby retained and ratified.

CITY STOCK.

Stock Certificates.

City Code, (1879) Art. 46, Sec. 1. City Code, (1893) Art. 47, Sec. 1.

1. Certificates of city stock shall be issued substantially in the following form, viz: "..... per cent. stock of the city of Baltimore, No., dollars, Baltimore. This is to certify, that the corporation of the

city of Baltimore is indebted to....., in the sum....., redeemable....., and until so redeemed, bearing interest at the rate of..... per centum per annum, payable..... yearly on the first days of..... and..... This certificate is only transferable at the City Register's office, in person or by attorney, and the delivery of the certificate to the transferee. In testimony whereof, and in virtue of an ordinance of the city of Baltimore, I, the Mayor, have hereto set my hand and affixed the seal of the corporation, this..... day of..... 19....., Mayor. Countersigned and recorded by....., City Register."

City Code, (1879) Art. 46, Sec. 2. City Code, (1893) Art. 47, Sec. 2.

2. All certificates of stock shall be issued, in sums of Sums. one hundred dollars and equal multiples thereof, and they shall only be transferable at the City Register's office, in the presence of the Mayor or City Register, by the proprietor or proprietors thereof, or his, her or their legal representatives. In case of the presentation for transfer of certificates of stock calling for fractional parts of one hundred dollars, the Commissioners of Finance may purchase the said fractional parts for the use of the sinking funds; or if the holder or holders prefer, they may upon his, her or their paying the difference to the Commissioners of Finance, issue a certificate or certificates in the manner and form as herein provided. Fractional parts.

City Code, (1879) Art. 46, Sec. 3. City Code, (1893) Art. 47, Sec. 3.

3. Before the City Register shall issue any certificate of stock, he shall receive the money for which the same may be issued, and shall proceed to apply the said money to the purposes for which the issue of certificates was authorized, unless otherwise provided for by any special ordinance; in which case it shall be the duty of the City Register to obtain the written opinion of the City Solicitor to that effect previous to issuing any certificate of stock required by such special ordinance. Not to be issued until paid for.

City Code, (1879) Art. 46, Sec. 4. City Code, (1893) Art. 47, Sec. 4.

Loan and trans-
fer books to
be kept.

4. It shall be the duty of the City Register to open and keep regular and correct loan books for the registry and transfer of city stock, and under the direction of the Commissioners of Finance, to make up lists of its proprietors in time for the punctual payment of the interest, and to pay and take receipts therefor, and for these purposes the transfer books shall be closed twenty days previous to each day on which the interest is made payable.

City Code, (1879) Art. 46, Sec. 5. City Code, (1893) Art. 47, Sec. 5.

Renewal of lost
or destroyed
certificates.

5. In all cases of application for renewal of certificates of the stock debt of the city of Baltimore, where said certificates may have been lost or destroyed, the person making such application shall give at least sixty days' notice by publication once a week, in two daily newspapers published in the city of Baltimore, describing such certificate or certificates, and at the same time declaring his or her intention to make such application.

City Code, (1879) Art. 46, Sec. 6. City Code, (1893) Art. 47, Sec. 6.

Oath by appli-
cant.

6. The City Register shall, before he issues such duplicate certificate or certificates, require the person making such application to make oath before the Mayor, that such certificate or certificates were lost or destroyed; the circumstances, if any, under which said certificate or certificates were lost or destroyed, and shall also be satisfied that he or she is the owner, agent or representative of the owner of said certificate or certificates.

City Code, (1879) Art. 46, Sec. 7. City Code, (1893) Art. 47, Sec. 7.

Identity of
applicant.

7. If the City Register shall not, from the evidence before him as contained in section 6 of this Article, be satisfied of the identity of the person, or from the circumstances, that such certificates are actually lost or destroyed, then he shall require the person making such application to enter into a bond, with security to be approved by him,

in double the amount of such certificate, or at the option of said person to refer the subject, together with the evidence in his possession, to the next session of the City Council.

Interest on City Stock.

City Code, (1879) Art. 46, Sec. 10. City Code, (1893) Art. 47, Sec. 10.

8. The faith of the corporation and its corporate property are hereby pledged for the redemption of its stock and payment of interest thereon, at such times as may be specified in the ordinances authorizing the same.

Faith of city pledged.

City Code, (1879) Art. 46, Sec. 11. City Code, (1893) Art. 47, Sec. 11.

9. Such sum as may be necessary for the payment of the interest on the public debt shall be included in the annual ordinance of estimates, each and every year.

Appropriation for interest.

City Code, (1879) Art. 46, Sec. 12. City Code, (1893) Art. 47, Sec. 12.

10. All such payments as may be necessary to enable the Commissioners of Finance to discharge or reimburse any demands against the city on account of the principal or interest of the debt, which shall be actually due in conformity to the engagements of the city, shall be made at such times in each year as will enable said commissioners faithfully and punctually to comply with such engagements.

City's engagements to be punctually met.

Investments to Secure Payment of City Stock.

City Code, (1879) Art. 46, Sec. 13. City Code, (1893) Art. 47, Sec. 13.

11. The Commissioners of Finance shall invest in city stock all moneys in their hands, or to their credit in bank, received for the sale or rent of city property, pledged for the redemption of the public debt; and shall also invest all moneys that may hereafter be received from the above mentioned sources, as well as all interest accruing thereon from time to time, and have the transfers made in the name of the Commissioners of Finance, and also have stamped on the face of each and every certificate by them

Investments for redemption on city stock.

Sinking fund. purchased, the words "Sinking Fund Not to Be Re-issued," and report to the City Council annually the amount purchased, and the dates and prices at which they were purchased, and exhibit their books and the certificates of stock by them purchased during the preceding year, to the committee appointed on their accounts, which committee shall endorse all certificates of stock, if correct, and report to the City Council.

City Code, (1879) Art. 46, Sec. 14. City Code, (1893) Art. 47, Sec. 14.

Lease of city property. **12.** The Commissioners of Finance shall, subject to the provisions of section 13 of the City Charter, whenever in their opinion it is consistent with the interest of the city, lease any part or parcel of the public property belonging to the city, which is now or may hereafter be pledged for the redemption of the public debt, and apply the proceeds of such leases exclusively towards the object of the sinking fund; provided, that in no case shall any lease be made without the approbation and consent of the Mayor, who is hereby authorized to execute the necessary conveyances to the lessees; provided, also, that the same shall be offered at public auction, after ten days' notice previously given in two or more of the daily papers of the time and place of such sale, and that the said property shall be leased to the highest bidder for ninety-nine years, renewable forever, or for a shorter period, should the bids therefor, in the opinion of said board, be for the interest of the city to accept; and provided further, that one-fourth of the principal that would accrue at six per cent. upon the bids agreed upon, be first paid in cash, or satisfactorily secured, and the remaining three-fourths, be placed on lease for the time and agreeably to conditions named in said advertisement or promulgated at the place of sale; and provided further, that nothing in this section shall be construed to relate to the public wharves of the city.

Rents to be applied to sinking fund.

Not to apply to public wharves of city.

Ord. 26, March 27, 1872.

City Code, (1879) Art. 46, Sec. 15. City Code, (1893) Art. 47, Sec. 15.

13. The greater portion of the existing debt of the corporation was created for and represents investments in

real estate, and in the stocks, bonds and other obligations of internal improvement companies, yielding a large income; and it is proper that such investments and the income derived therefrom, shall be set apart and applied to the payment of the interest and the redemption of the debt so created, as the same may become due and payable; and by reason of the amount, nature and purpose of the debt, it is expedient and desirable and promotive of public convenience and security, that all transactions proceeding from or connected with the funded obligations of the corporation and the interest thereupon be kept separate and apart from the ordinary and current receipts and expenditures of the city government; and for the purpose of accomplishing more effectually the several objects herein set forth, the following provisions as well as those contained in the next succeeding section of this Article are ordained: All the real estate from which income is derived, and all the stocks, bonds and obligations of any improvement company now held or claimed as the property of the corporation, or as due to it, as well as all taxes which may hereafter be levied and collected for this purpose, are appropriated and set apart, to be held by the Commissioners of Finance exclusively for the payment as aforesaid of the public debt of the corporation, and the interest thereupon as the same, or any part thereof, may become due and payable.

Property and revenue set apart for redemption of city stock.

Ord. 26, March 27, 1872.

City Code, (1879) Art. 46, Sec. 16. City Code, (1893) Art. 47, Sec. 16.

14. The Commissioners of Finance are hereby directed and required to open books of account in the name of the corporation, in which books they shall cause to be succinctly and accurately set forth and described all the property herein referred to, the receipts from or on account thereof, and the payments thereupon, and annually they shall report the same to the City Council.

Books of account to be kept.

SINKING FUNDS.

Ord. 5, February 20, 1880. City Code, (1893) Art. 47, Sec. 18.

15. When any loan or loans shall be issued by the Mayor and City Council of Baltimore, to raise a certain

Premiums on
loans to be
invested in
specific
loans.

amount of money to meet the estimated cost of any public improvements, or for any other purpose, all amounts of premiums received on said loan or loans shall be invested in the specific loan on which said premiums shall be received, at its par value; and the city stock thus purchased at its par value shall be turned over to the Commissioners of Finance, to be held as a part of the sinking fund for the redemption of said loan, if there be such special sinking fund, and if there be no such special sinking fund, then the same shall be placed by the Commissioners of Finance to the credit of the general sinking fund.

Ord. 81, May 17, 1881. City Code, (1893) Art. 47, Sec. 19.

Investment in
redeemable
ground rents
payable by
city.

16. The Commissioners of Finance are authorized and empowered in their discretion to invest moneys belonging to the sinking fund provided for the redemption of the public debt of the city in the purchase of the redeemable annuities or ground rents, reserved out of lands heretofore leased to the Mayor and City Council of Baltimore, payable by said corporation, the conveyances thereof to be made to the Mayor and City Council of Baltimore, in trust, for the benefit and purposes of said sinking fund, in accordance with the provisions of section 6, of Article 4, of the Public Local Laws, title "City of Baltimore," sub-title "City Charter," division "General Powers," sub-division "Stocks, Loans and Finance."

City Code, (1879) Art. 46, Sec. 19. City Code, (1893) Art. 47, Sec. 20.

Consolidation
of city
stocks.

17. The Commissioners of Finance are hereby authorized and empowered to consolidate the several certificates of city stock held by them, for any and every sinking fund under their care, and annually hereafter to consolidate all certificates of city stock as aforesaid, when examined and approved by the committee on accounts of the Commissioners of Finance.

City Code, (1879) Art. 46, Sec. 20. City Code, (1893) Art. 47, Sec. 21.

18. The Deputy Register, as clerk to the Commissioners of Finance, is hereby directed and required to open accounts

upon the books of the Commissioners of Finance for all sinking funds, wherein shall be entered full and detailed accounts of each sinking fund, the amount, how invested, the acts of the said commissioners in relation thereto, all other facts necessary to a full and succinct history of each fund; the City Register is required to hold or invest the same, or the interest accruing from time to time, as said Commissioners of Finance may direct,

Accounts of
sinking fund
on books of
Finance
Commission-
ers.

ISSUES OF BONDS AND CITY STOCK.

19. All the provisions of all the ordinances of the Mayor and City Council of Baltimore, heretofore duly passed and in force on the first day of July, nineteen hundred and six, relating to the several issues of bonds and city stock, duly authorized by Act of Assembly and approved by the people, are hereby retained in force and effect, as fully as if each of said ordinances were reproduced at length in this Article.

The ordinances referred to and the titles of the loans authorized are as follows:

Water, 5%, 1916, ord. 65, June 30, 1877;

Funding, 5%, 1916, ord. 93, October 8, 1878;

McDonogh Extension, 5%, 1916, ord. 157, July 14, 1890;

Harford Run, 4%, 1920, ord. 86, October 11, 1879;

Patterson Park Extension, 4%, 1920, ord. 120, October 19, 1882;

Paving, 4%, 1920, ord. 140, October 4, 1880;

Water, 4%, 1922, ord. 91, May 25, 1882;

Conduit, 3 1-2%, 1922, ord. 120, July 25, 1896;

W. M. R. R., 4%, 1925, ord. 71, May 10, 1882; ord. 114, October 9, 1882;

Water, 4%, 1926, ord. 82, June 3, 1886; ord. 99, October 5, 1887.

W. M. R. R., 3 1-4%, 1927, ord. 11, March 10, 1886;

Conduit, 3 1-2%, 1928, ord. 87, October 15, 1902;

Internal Improvement, 3 1-2%, 1928, ord. 98, September 26, 1888;

Consolidated, 3 1-2%, 1930, ord. 58, April 30, 1890;
Funding, 3 1-2%, 1936, ord. 112, July 2, 1896;
Public Improvement, 3 1-2%, 1940, ord. 100, October 7, 1892;
Refunding, 3 1-2%, 1940, ord. 32 1-2, May 6, 1898;
 ** *Water, 3 1-2%, 1943, ord. 86, October 14, 1902;*
Four Million, 3 1-2%, 1945, ord. 137, October 5, 1894;
W. M. R. R. Refunding, 3 1-2%, 1950, ord. 18, March 8, 1898; ord. 32, February 8, 1900;
W. M. R. R. Refunding, 3 1-2%, 1952, ord. 18, March 8, 1898; ord. 32, February 8, 1900;
Burnt District Improvement, 3 1-2%, 1954, ord. 71, April 21, 1904;
Annex Improvement, 1954, ord. 216, March 6, 1905;
Park Improvement, 1955, ord. 228, March 20, 1905;
New Sewerage System, 3 1-2%, 1980, ord. 227, March 20, 1905.

**NOTE.—See, *Callaway v. Baltimore City*, 99 Md. 316.

ARTICLE XXXV.

STREETS AND CITY ENGINEER.

ORDINANCES.

City Engineer.

Duties and Authority.

1. To keep journal of proceedings in his office in relation to condemnation, grading, etc., of streets, etc.; to return same quarterly to City Register; to preserve bids, papers, writings, etc.

Annual Report.

2. To include statement of work done on streets, etc., names of contractors, cost, etc.

Bonds.

3. Penalties of bonds required of City Engineer and his assistants.

Documents and Official Papers.

4. Form of heading of warrants and documents.

Labor.

5. Authority to employ necessary skilled labor.
6. Preference to be given to registered voters in employment of

labor; other necessary skilled labor to be also employed.

7. To use such methods to secure such labor as he may deem best.

Repairs.

8. To have right to enter upon any property in repairing sewers.
9. To repair bridges whenever same is necessary.

Inspections.

10. Deposit to be made by parties doing work requiring inspection of City Engineer to cover costs of such inspection.

Gutter Plates.

11. Weight of iron contained therein to be stamped thereon.

Burnt District.

Buildings and Structures.

12. Penalty for building in conflict with highway lines of "Burnt District."

Footways.

13. Permit required for construction and repair of sidewalks in "Burnt District."
14. Specifications for construction of sidewalks in "Burnt District;" regulations for use of asphalt sidewalk blocks.

Prohibited Structures on Sidewalks and Streets.

15. Limits between which no obstructions on sidewalk or streets can be erected; obstructions defined; proviso as to mail-box posts.

Contracts.

Improved Pavements.

16. Proposals to guarantee to maintain said pavement in good order for five years; con-

tractor to remove old material at expense of city; same to remain property of city.

17. Contractor to be paid when whole work finished and accepted by City Engineer.

Street Crossings, Flags and Flagstones.

18. Vitrified brick or flagstone crossings to be provided for in all contracts for paving; specifications for flagstones and laying same.

Dedicated Streets.

19. Streets unconditionally dedicated to be public highways; streets, etc., excepted from provisions of this section; proviso as to streets in annex.

Footways.

Repairing Defective Footways.

20. City Engineer to repair same where owner cannot be found; notice by advertisement to such owners where footways are out of order; on default of owner after notice, City Engineer to repave same.

Notice.

21. What to constitute sufficient notice to such owners.

Repairing by City Engineer.

22. When City Engineer to proceed with work of repaving or repairing; tax to be imposed on owners of abutting lots to cover cost of repairs and collection of cost.

Cost of Repairs.

23. Procedure in collecting said tax; tax to be due when warrant of City Engineer is issued to City Collector; tax to be lien on such lots.

24. Said lien to be enforced by distress or otherwise after notice.
25. City Engineer may draw on City Register in anticipation of collection of said tax.
26. Penalty for neglect of owners to repair footways; collection of same.

Flagstones.

27. Footways to be paved with same; how to be put down; penalty for improper paving of footways; City Engineer to put down flagstones where owners fail to do so after notice; such owners to pay cost thereof.

Pavements.

28. Owners of lots fronting on paved streets to put down brick pavements after notice on order of City Engineer; specifications for such pavements; pavement in front of unimproved lots; width of same; all thoroughfares may be required to be paved to building line; penalty for non-compliance with requirements of City Engineer.

"Annex" Footways.

29. When to be paved; notice to lot owners; specifications for such pavements; repairs to same.
30. Footways so constructed to be properly graded.
31. Upon failure of owners in Annex to construct footways, City Engineer to construct same and collect cost from owners; such costs to be lien on property; collection of costs.

Drainage Under Sidewalks.

32. Drainage across line of sidewalks to be conducted under same.
33. Underground pipes or other agencies for such drainage to be provided.
34. Methods of drainage used to be approved by City Engineer.
35. On neglect of owners, City Engineer to provide drainage as required; notice to owners; cost of drainage to be charged to owners or occupiers of premises drained; such costs to become a lien on said property; City Solicitor to foreclose same if not paid within one year.

36. Penalty for violation of provisions of this sub-division of this Article.

Temporary Footways for Pedestrians.

37. Construction of same during repairs to permanent sidewalks.
38. Penalty for failure to construct same.

Grade and Street Lines.

Grade Lines.

39. Upon application of owners, City Engineer may direct City Surveyor to establish permanent grade lines; how same to be done.
40. To keep record of such establishments; to make return of same to City Register; to collect cost thereof from applicant for same.

41. City Engineer to notify City Surveyor of changes contemplated and of passage of ordinances providing therefor.
42. Upon receipt of said notice City Surveyor to fix grades and prepare profiles.
43. City Surveyor to advertise five days' notice before fixing, etc. grade lines.
44. Cost of work to be paid out of appropriation for City Engineer; proviso as to grades of streets, provision for grading and paving which has been made by ordinance.
45. Commissioner of Health to require grading and paving of any private alley when necessary to public health; cost thereof to be assessed upon owners of property binding thereon.

Building and Street Lines.

46. No building work to be done until lines of streets have been established.
47. Appeals to Mayor from decisions of City Engineer; Mayor to summon five arbitrators; their compensation; to return their award to City Register; oath of arbitrators; to have information and documents on which decision of City Engineer is based.
48. Appellant to first file obligation to pay costs of appeal.
49. City Engineer to ascertain said expenses.

Building Permits.

50. Grade lines to be established before permits issue.

51. Duty of Inspector of Buildings to see that said lines have been properly established; to have chart of lines in his office.
52. Said Inspector to see that buildings as erected conform to lines on chart.
53. To notify persons building not in accordance with said lines; penalty for continuing such building after expiration of said notice.

Grading, Paving, Etc.

(On Application of Owners.)

54. City Engineer to have authority to grade, pave, etc., on application of majority of owners of property binding thereon.

Notice.

55. To give notice by advertisement upon receipt of application; contents of notice.

Contracts.

56. To advertise for proposals for grading, etc.

Owners.

57. Whom to be deemed owners within the provisions of this sub-division.

Curbstones.

58. Not required in paving streets, etc., not over twenty feet wide.

City Property.

59. Mayor may sign petitions for paving, grading, etc., on behalf of city in respect of city property.

Cross Streets.

60. When City Register shall pay expenses thereof.

Improved Pavements.

61. When paving, etc., done on application of property owners, said owners may select kind of pavement to be used; paving in front of city property.

Grading, Paving, etc., in Annex on Application of Owners.

62. Said commissioners may grade, pave, etc., streets, etc., in Annex *pro rata* at expense of owners as herein provided on application of owners.
63. Notice to be given of intention to consider such application.
64. Who may sign application as owner; Mayor may sign on behalf of city.
65. A tax to cover cost of such improvements *pro rata* with frontage on street so improved to be levied on lots binding thereon where such grading and paving is done; city to be regarded as owner of cross streets; statement showing amount assessed on each lot to be prepared.
66. Payment of benefits so assessed may be deferred in discretion of said commissioners as herein provided; said assessments to be liens on property.
67. Notice of assessment and review of same; commissioners to attend at place designated in notice and consider objections and make corrections; corrected list of assessments to be delivered to City Register and such final assessments to become liens.

68. Notice of deposit of said list with City Register to be published.
69. Written or printed notice of assessments to be served on owners of property assessed; proviso.
70. Persons dissatisfied with assessments may appeal to Baltimore City Court.
71. Transfer of lists of assessments to City Collector for collection; procedure in collection of assessments; when assessments to become due.
72. Disposition of money collected on account of assessments.

Grading, Paving, etc., by Owners in Annex.

73. Majority of property owners on streets in Annex may select paving and pave streets at their own expense; to file specifications for such paving with City Engineer; city to pave cross streets; not less than one block to be so paved; paving to be uniform; parties improving to give bond to indemnify city.

Paving Assessments or Tax.

74. To be imposed on owners of property binding on street, to cover cost of paving, etc., same under contract; said tax to be lien on property.
75. City Engineer to make list of persons liable for said tax; to deliver duplicate of said list to City Collector; tax to be collected in sixty days; when contractor to be paid.

76. Notice to persons liable for said tax; to be collected by City Collector.

Selection of Paving.

77. Cobblestone pavements prohibited.
78. City to notify owners of property binding on newly opened streets of intention to pave same; contents of notice; owners to select kind of pavement; City Engineer to select same where owners default.
79. "Improved pavement" defined.

80. Where city pays whole cost of paving, etc., City Engineer may select pavement with approval of Mayor.

Paving Work.

81. Unless otherwise provided, all paving to be done by contract or by labor employed by city.

Macadam Paving in "Annex."

82. Macadamizing permitted in Annex where desired by owners of property; to be approved by Mayor and City Engineer.

Stepping Stones.

83. To be placed by City Engineer wherever the public convenience requires, upon application therefor.

Wharves, Docks, Etc.

84. Repairing private wharves, streets, alleys, etc.

Nuisances.

85. Commissioner of Health to direct City Engineer to pave or re-pave streets in state of nuisance; cost of such paving, etc.

86. To publish ten days' notice of time and place of making assessments for such paving; all persons interested to have opportunity to object; cost to be apportioned after hearing all persons interested; to make list of property owners affected; list to show amount due from each piece of property.

87. Procedure in case the court decides that no nuisance existed; to refund moneys paid in such cases.

88. Duty of City Engineer where owners are non-residents; to give notice to same by publication before proceeding hereunder; contents of notice.

Paving Ordinances.

Legal Form.

89. Before proceeding under any ordinance for paving, grading, etc., City Engineer to have certificate of City Solicitor that same is valid and sufficient.

Hearing before Council.

90. Preliminaries to passage of any ordinance for grading, etc., streets.

Bids and Contracts.

91. After passage of ordinance City Engineer to advertise for proposals; award of contracts; to make estimate of cost.

Paving Assessments.

92. To be apportioned among owners of property binding on said streets.

93. Apportionment to be advertised; contents of advertisement; review and correction of apportionment; to hear all parties; to make correct list of property, owners, and amounts due from same; to file duplicate list of, with City Register with necessary plats.

94. After deposit of said list City Register to notify all interested parties by advertisement.

95. Written or printed notice to be served on each party assessed.

Appeals from Paving Assessments.

96. Persons dissatisfied may appeal to Baltimore City Court for review; further appeal to Court of Appeals.

Void Ordinances.

97. Proceedings where such ordinances are set aside or repealed; moneys paid thereunder to be refunded and costs paid by city.

98. Procedure where no appeal is taken, or after appeal is decided.

Excess of Expenses.

99. City to pay excess of expenses over assessments.

100. When whole assessment collected, contractor to be notified to proceed with work; where assessments excessive, excess to be refunded.

Bermuda Asphalt.

101. Authorizing Bermuda asphalt instead of sheet Trinidad Lake asphalt, when latter or an "equally good" asphalt is specified in ordinance.

Names of Streets.

102. Commissioners for Opening Streets may change or revise same.

103. Changes to become effective only after approval of Mayor and City Council.

Permits for Digging up Streets.

Unpaved Streets.

104. No earth to be removed from same without license from City Engineer; penalty.

Paved Streets.

105. No part of street surface to be disturbed without permission of City Engineer.

106. Conditions under which such permit is issued; conditions under which permit for erection of poles, etc., is issued.

107. Penalty for violation of two next preceding sections.

Trenches, Drains, Etc.

108. Not to be thrown up or dug in streets, etc., without permit; permit to state conditions; penalty for failure to comply therewith.

Gas and Water Connections.

109. Regulating connection of public and private houses with gas and water mains, sewers, etc.

110. Mains and sewers to be constructed in beds of alleys where practicable.

Regulating Opening and Use of Streets.

Repairs.

111. City Engineer to repair streets over trenches made by gas companies and collect cost thereof from said companies.

Safety Regulations.

112. Corporations and individuals in digging up streets under permits must protect vehicles and pedestrians; specifications for protection arrangements; penalty for neglect of proper precautions; piles of material in streets to be indicated by lanterns at night; penalty for neglect.

Restoring Street Surface.

113. All excavations to be compactly filled; ground to be made solid; penalty; offenders to comply with requirements in addition.

Street Franchises.

114. Penalty for failure to keep in repair or to restore or replace surface of streets, etc., by those upon whom obligation so to do is imposed by law or ordinance.

115. City Engineer may make repairs at cost of party liable therefor; may institute suit for collection of such cost.

Protection of Street Surface.

116. Mortar not to be mixed on sheet asphalt or other improved pavements; fires on pavements forbidden; kerosene or other oils not to be permitted to run on or over such pavements; oil tank wagons to have drip pans; trestles, etc., bearing weights to have flat bearing surfaces; minimum area of such surfaces; penalty.

Destruction of Embankments, Etc.

117. Penalty for injury to such, or other public work; to be liable for expense of repairs in addition to penalty.
118. Recovery of fines and penalties imposed for violation of provisions of this Article.

CITY ENGINEER.*Duties and Authority.*

City Code, (1879) Art. 47, Sec. 67. City Code, (1893) Art. 48, Sec. 68.

1. The City Engineer shall keep a fair journal of all proceedings in his office, as far as they may relate to the condemnation, grading or leveling of the streets, lanes and alleys, and the establishment of boundaries or the making and repairing of sewers, and the building and repairing of bridges, and shall return the same under his hand and seal at least once in every three months, to the City Register, to be by him recorded and filed in his office; and he shall carefully preserve all bids for work to be done, and all papers and writings belonging to his office.

To keep journal.

To return proceedings to City Register.

Bids, papers, and writings.

Annual Report.

City Code, (1879) Art. 47, Sec. 71. City Code, (1893) Art. 48, Sec. 72.

Statement of
work done
on streets.

2. The annual report of the City Engineer shall include a statement of the several streets, lanes and alleys, or parts thereof, that have been paved or repaved during the year, together with the names of the contractors, the number of square feet and the sum per square foot paid for paving or repaving, as the case may be, and also an explicit statement whether all the provisions of the ordinances relating to paving and repaving, and the duties required of the City Engineer have been complied with.

Bonds.

City Code, (1879) Art. 47, Sec. 63. City Code, (1893) Art. 48, Sec. 64.
Ord. 72, May 17, 1895.

Penalties pre-
scribed for
bonds of City
Engineer
and his as-
sistants.

3. The penalty of the bond required by law to be given by the City Engineer, shall be the sum of ten thousand dollars (\$10,000); and the Assistant City Engineers shall give bond for the faithful performance of their duties respectively in the penal sum of five thousand dollars (\$5,000) each.

Documents and Official Papers.

City Code, (1879) Art. 47, Sec. 72. City Code, (1893) Art. 48, Sec. 73.

Heading of
warrants and
documents.

4. All warrants and other documents issued by the City Engineer, or connected with his sub-department, shall be headed: "Department of Public Improvements, Sub-Department: City Engineer."

Labor.

Ord. 16, February 27, 1893. City Code, (1893) Art. 48, Sec. 94A.

City Engineer
to employ
skilled labor.

5. The City Engineer is hereby authorized and directed to employ such skilled labor as may be necessary to carry on the various works under his direction in a proper and expeditious manner.

Ord. 16, February 27, 1893. City Code, (1893) Art. 48, Sec. 94B.

6. Preference shall be given to the employment of all such skilled laborers who are registered voters of the city of Baltimore, and the City Engineer is hereby authorized and directed to employ as many other skilled laborers who may not be registered voters of the city of Baltimore as may be necessary in his judgment to enable him to carry on the various works under his direction in a proper and expeditious manner.

Preference to registered voters.

Other than voters may be employed.

Ord. 16, February 27, 1893. City Code, (1893) Art. 48, Sec. 94C.

7. The City Engineer is hereby authorized and directed to obtain such skilled labor by individual solicitation, by advertisement, or by any other method that may be deemed best by him for the interests of the city of Baltimore.

How obtained.

Repairs.

City Code, (1879) Art. 47, Sec. 78. City Code, (1893) Art. 48, Sec. 79.

8. The City Engineer shall have full power and authority to enter upon the lots of ground or possessions of any person or persons, or bodies corporate, through which the public sewers now or may hereafter run, to regulate or repair the same.

Entry for repairing sewers.

City Code, (1879) Art. 47, Sec. 79. City Code, (1893) Art. 48, Sec. 80.

9. The City Engineer is hereby directed whenever any of the bridges within the city stand in need of repairs, to mend and repair the same as he, with the approbation of the Mayor, may think fit.

Repair of bridges.

Inspections.

Ord. 172, March, 21, 1899.

10. In all work hereafter to be done under the supervision of the City Engineer or his sub-department, as provided in ordinances and resolutions of the Mayor and City Council of Baltimore and permits issued by the City

Deposit to be made by parties doing work requiring inspection by City Engineer to cover costs of such inspection.

Engineer, which, in his judgment, require the services of an inspector, it shall be the duty of the City Engineer to require such party or parties to make a deposit of money to cover the cost of such inspection. This shall cover all work in connection with street railway tracks, steam railway tracks, grading, paving and curbing of streets, lanes and alleys, all subway construction, sewers, drain pipes, gas pipes, water pipes, sewer connections, etc.

Gutter Plates.

Ord. 72, May 15, 1886. City Code, (1893) Art. 48, Sec. 89.

Stamp on gutter plates.

11. The City Engineer is authorized and directed to have stamped on all gutter-plates, the weight of iron contained therein, furnished by contractors to the city of Baltimore.*

BURNT DISTRICT.

Buildings and Structures.

Ord. 152, November 21, 1904.

Penalty for building in conflict with highway lines of "Burnt District."

12. Every owner, lessee or occupant of any lot within the "Burnt District," who shall erect thereon any building, wall, fence or other structure in conflict with the highway lines established by Ord. 152, approved November 21, 1904, shall be held to be guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay a fine of five dollars (\$5).

Footways.

Ord. 245, April 24, 1905.

Sidewalks in "Burnt District."

13. Hereafter no sidewalk or footway within the territory known as the "Burnt District" shall be paved, re-paved or repaired without a permit first being had and obtained from the City Engineer.

*NOTE.—As to liability of street railway for non-repair of gutter coverings in certain cases, *see*, McCarthy v. Citizens' Ry. Co., Daily Record, April 29, 1889.

Ord. 245, April 24, 1905.

14. Within the territory known as the "Burnt District," all sidewalks or footways hereafter laid or re-laid, or repaired to the extent of more than one-half of their original value, shall be constructed of concrete or of granite, or of flag-stones, or of asphalt tiles not less than two and one-half inches in thickness, in accordance with specifications to be furnished by the City Engineer at the time when the permit provided for in the next preceding section of this Article shall be granted; or asphalt sidewalk blocks, provided such blocks are laid on a concrete base four inches in thickness, all in accordance with specifications to be furnished by the City Engineer as heretofore provided in this section for other sidewalks.

Construction and material of sidewalks in the "Burnt District."

Regulation as to asphalt sidewalk blocks.

Prohibited Structures on Sidewalks and Streets.

Ord. 15, November 6, 1905.

15. Within that part of Baltimore City known as the "Burnt District," as described and bounded in Chapter 87 of the Acts of the General Assembly of Maryland of the year 1904, it shall be unlawful to erect upon the streets, lanes and alleys of the city between the grade of the sidewalk and a point ten feet above such grade, any awning poles, posts, hitching posts, barber poles, railings, open areas, stepping stones, sign posts, horse troughs, clocks, stands of any character, cellar doors or coal holes, unless the same be flush with the pavement, steps, porticos, bay windows, bow windows, show windows, signs, columns, piers or other projections or structural ornaments of any character to the houses fronting on the same; provided, however, that nothing herein shall be taken as applicable to mail box posts, or other agencies used by the Federal Government in the collection and distribution of mail.

Limits between which no obstruction on sidewalk or street can be erected in "Burnt District."

CONTRACTS.

Improved Pavements.

Ord. 117, June 25, 1894.

16. The City Engineer is authorized and directed to require all proposals for laying improved pavements under

To maintain
the pave-
ment in good
order for five
years.

To remove old
material and
same to re-
main prop-
erty of the
city.

any ordinance or ordinances of the Mayor and City Council of Baltimore, to include the guarantee of the contractor to maintain the said pavement in good order for five years from the date of the acceptance of said work by the City Engineer, and that all the old material on streets, or portions of streets, provided to be repaved by said ordinances shall be removed by the contractor, at the expense of the city, to such place or places as the City Engineer shall from time to time designate, and the said old materials shall remain the property of the city.

Ord. 117, June 25, 1894.

When contract
or shall be
paid.

17. When the whole work of repaving any street or streets provided to be repaved under any ordinance or ordinances of the Mayor and City Council of Baltimore shall have been finished and accepted by the City Engineer, all sums then remaining unpaid shall be paid to the contractor.

Street Crossings, Flags and Flagstones.

City Code, (1879) Art. 47, Sec. 37. City Code, (1893) Art. 48, Sec. 38.
Ord. 97, June 16, 1904.

Vitrified brick
crossings,
flagstones or
flagstone
crossings to
be provided
in all con-
tracts for
paving, etc.

18. In all contracts for paving or re-paving streets with cobble stones, belgian blocks or macadam, there shall be incorporated a provision calling for either vitrified brick crossings, flagstones or flagstone crossings across all streets, lanes or alleys at their intersection with each other, as shall be determined upon by the City Engineer, whenever he shall consider said crossings necessary or desirable for the proper use of said street. And whenever flagstones shall be hereafter used, they shall consist of two rows of gneiss granite or other hard stone, two feet in width and not less than five inches in thickness, and they shall be so laid that there shall be a space of one foot between said two rows of flagstones, which shall be paved with belgian blocks.

DEDICATED STREETS.

Ord. 2, June 14, 1905.

19. All streets, avenues, lanes and alleys situated within the corporate limits of the city of Baltimore, and which said streets, avenues, lanes and alleys have been heretofore unconditionally dedicated as highways by deed or plat, or in any other manner by which a street, avenue, lane or alley may be dedicated as a highway, be and the same are hereby declared to be public highways of the city of Baltimore; saving and excepting that this section shall not be construed to apply to any street, avenue, lane or alley less than ten feet in width, and provided further, that this section shall not apply to any street, avenue, lane or alley, heretofore dedicated, unless the same is directly connected with some street, avenue, lane or alley already a public highway, or which under the terms of this section shall become a public highway; and provided further, that this section shall not apply to any streets, avenues, lanes and alleys within the territory annexed to the city of Baltimore by the Act of 1888, Chapter 98, unless the same have been so dedicated that the lines and grades thereof conform to the general plan of streets for the Annex adopted under Ordinance 129, approved December 3, 1898, (codified as sections 5, 6 and 7 of Article 39, title "Topographical Survey" of this Code), or any lawful amendment or amendments thereof.

Declaring certain dedicated streets to be public highways.

FOOTWAYS.*Repairing Defective Footways.*

City Code, (1879) Art. 47, Sec. 50. City Code, (1893) Art. 48, Sec. 51.

20. The City Engineer is hereby authorized and directed, in all cases where the owner or owners of ground fronting on any of the paved streets, lanes or alleys of the city cannot be found at the time said footways are out of order, to cause to be published in three or more of the daily papers having the largest circulation published in the city of Baltimore, at least five times, the location and number of feet of such lot or lots of ground, and notice of

Notice by advertisement to owners of ground where footways are out of order.

City Engineer
may pave
same and
City Col-
lector collect
costs.

his intention to have the footways of such lot or lots paved repaved or repaired, as the case may be, and in case said lot or lots shall not be paved, re-paved or repaired within the time specified in said notice, the City Engineer shall have the footways of such lot or lots paved, re-paved or repaired, and shall hand over to the City Collector his warrant, to be by him collected as herein provided.

Notice.

City Code, (1879) Art. 47, Sec. 51. City Code, (1893) Art. 48, Sec. 52.

Mode of serv-
ing notice.

21. The City Engineer shall cause notice of said order to be given to the proprietor or proprietors of the lot or lots in front of which a footway is required to be filled up, dug down, paved or repaved in manner following, that is to say: the said order, or a copy thereof, may be left at any house on such lot, or served personally on the proprietor or proprietors, or his, her or their tenant, agent or guardian, or left at his, her or their residence, or a copy of such order may be published in one or more of the newspapers of the city, not less than five times, notice in any of which said modes shall be deemed sufficient.

Repairing by City Engineer.

City Code, (1879) Art. 47, Sec. 52. City Code, (1893) Art. 48, Sec. 53.

Failure of own-
ers to obey
notice.

22. If the proprietor or proprietors of any lot or lots fronting on any paved street, lane or alley, shall neglect or refuse to fill up, dig down, pave or repair the footways in front of such lot or lots, for the space of ten days after service of a printed or written order, or copy thereof, in manner as aforesaid, to be reckoned in case of publication in a newspaper from the date of first publication, then the City Engineer is authorized and directed to have the said footways filled up, dug down, paved or re-paved with brick in a sufficient and substantial manner, or repaired in such manner as the City Engineer shall think proper, and a tax shall be imposed upon each respective lot in front of which the footways shall have been so filled up, dug down.

City Engineer
to repair and
a tax to cover
cost to be
imposed.

paved or repaired, equal to the expenses of such filling up, digging down, paving or repairing, with an addition thereto of three per cent. for the expense of collecting.

Cost of Repairs.

City Code, (1879) Art. 47, Sec. 53. City Code, (1893) Art. 48, Sec. 54.

23. The City Engineer shall issue his warrant to the City Collector, approved by the Mayor, for the collection of said tax, containing the names of the person or persons who are to pay such tax, and the amount to be paid by each, correcting, however, any mistake in the said list as often as he may be satisfied such correction shall be necessary; and the said tax shall be due immediately on making out said warrant, which the said City Engineer may do as soon as he can ascertain the expense incurred, or to be incurred, and such tax shall be a lien upon all such lots.

Tax for work on footways to be collected by City Collector.

When tax is due.

Lien of tax.

City Code, (1879) Art. 47, Sec. 54. City Code, (1893) Art. 48, Sec. 55.

24. The City Collector shall immediately collect the same by distress or otherwise, giving sixty days' notice previously to distress, and pay over the same to the Comptroller.

Tax to be collected by distress or otherwise.

City Code, (1879) Art. 47, Sec. 55. City Code, (1893) Art. 48, Sec. 56.

25. The City Engineer is authorized, with the approbation of the Mayor, to draw on the City Register in anticipation of such tax, for such sum or sums of money as may be necessary to fill up, dig down, pave or repair any such footways.

Anticipation of collection of such tax.

City Code, (1879) Art. 47, Sec. 56. City Code, (1893) Art. 48, Sec. 57.

26. If any person or persons shall neglect or refuse to fill up, dig down, pave or re-pave any footway in front of his her or their lot or lots, when required so to do by the City Engineer, in the manner hereinbefore provided, such person or persons shall forfeit and pay twenty-five cents per front foot every day such person or persons shall refuse

Penalty for failure to pave or re-pave footways.

or neglect to fill up, dig down, pave or repave as aforesaid, as a fine for such neglect or refusal; and it shall be the duty of the City Engineer, when he issues his warrant for the said tax, to take the necessary steps for enforcing the said fine.

Flagstones.

City Code, (1879) Art. 47, Sec. 58. City Code, (1893) Art. 48, Sec. 59.

27. It shall not be lawful for any person or persons to pave any of the footways binding on any of the streets, lanes or alleys of the city of Baltimore with stone, unless the same shall be put down with good and sufficient flagstones, in accordance with the provisions of section 18 of this Article, under a penalty of one dollar for every front foot; and if any such person or persons shall neglect or refuse to comply with the provisions of this section within ten days after service of a written or printed order, or copy thereof, as provided by section 21 of this Article, to be reckoned, in case of publication in a newspaper, from the date of first publication, then the City Engineer is authorized and directed to put down such flagstones and to collect the cost thereof with an addition of three per cent. for the expense of such collection, from said person or persons so neglecting or refusing to comply with the provisions of this section.

Flagstones to be put down.

Duty of City Engineer when owners neglect to comply with provisions relating to flagstones.

Pavements.

City Code, (1879) Art. 47, Sec. 60. City Code, (1893) Art. 48, Sec. 61.

28. Except as to the "Burnt District", the City Engineer is authorized to direct and require by written or printed order, the proprietor or proprietors of any lot or lots fronting on any of the paved streets, lanes or alleys of the city, to fill up, or dig down to the proper grade, or to pave or repair the footways in front of such lot or lots, with a good and sufficient brick pavement, on a bed of good sharp sand, not less than six inches deep, within ten days after notice of such order; the said footways in front of unimproved lots to be paved with good and substantial

Brick pavements; City Engineer may require same to be laid.

Pavements in front of unimproved lots.

brick of such width from the curbstone as the City Engineer shall direct, not less, however, than four feet, and all the thoroughfares or business streets of the city shall be paved to the building line, if thought requisite by the City Engineer, and in case of refusal or neglect by the proprietor or proprietors of any lot or lots of ground to comply with the requirements of the City Engineer, the owner or owners of said lot or lots of ground shall be subject to a fine of ten dollars for each and every day such notice or order shall remain uncomplied with, to be recovered as other fines and forfeitures are recoverable. Penalty.

“Annex” Footways.

Ord. 51, May 2, 1902, Sec. 1.

29. The City Engineer is authorized and directed whenever any unpaved street, lane or avenue in the annexed portion of the city of Baltimore, used as a public thoroughfare, is without a proper footway along said street, lane or avenue and is out of repair or in bad, unsafe and dangerous condition, to notify the owner of the lot fronting upon such unpaved street, lane or avenue in the same manner as notice is now required to be given to the owners of lots fronting on paved streets where the footways binding on such lots are required to be repaved or repaired, requiring said owner to construct a footway out of cinders, crushed stone, wood or other suitable material along such unpaved street, lane or avenue, or repair or put in good condition any footway already constructed or existing along said street, lane or avenue within five days from the time of giving said notice. Requiring owners in “Annex” to construct footways of cinders or crushed stone where same are out of repair or unsafe.

Notice to owners.

Ord. 51, May 2, 1902, Sec. 2.

30. The City Engineer is authorized to have such footways as he may construct or as may be constructed in compliance with the provisions of the next preceding section of this Article, brought to proper grades, either by excavating where too high or filling in where too low. Such footways to be properly graded.

Ord. 51, May 2, 1902, Sec. 3.

Upon failure of owners to construct footways, City Engineer to construct same and cost thereof to be collected from owners.

31. Upon failure of any owner or owners of a lot or lots fronting upon any unpaved street, lane or avenue in the annexed portion of the city of Baltimore, to comply with the notice provided for in section 29 of this Article, the City Engineer is authorized and directed to construct such footways and make any and all repairs and grading necessary to be done with the force under him in his department, and to charge the cost thereof, to the owner or owners to whom such notice shall have been given; which said cost shall be a lien against the property fronting or abutting on the footways so constructed, graded or repaired, and these costs or charges shall be given into the hands of the City Collector, to be collected by him as other claims of the city are collected.

City Collector to make collections.

Drainage Under Sidewalks.

Ord. 111, June 22, 1904, Sec. 1.

Drainage to be conducted under sidewalks.

32. All drainage of every character whatsoever within the city of Baltimore, be it from rainspouts or from any other conceivable source which naturally or artificially flows outward and across the line of the public sidewalks into the gutterways or other means of discharge, shall be conducted under instead of across the surface of said sidewalks.

Ord. 111, June 22, 1904, Sec. 2.

Underground pipes provided therefor to be approved by City Engineer.

33. The owner or owners or occupiers of any building or other structure from which the drip or drainage as above described, is carried or is to be carried, across the line of the public sidewalk aforesaid, shall provide underground pipes or other agencies, so as to conduct the same under the surface of the sidewalks, as required by the next preceding section of this Article; the scheme of pipes or other agencies to be subject to the approval of the City Engineer.

Ord. 111, June 22, 1904, Sec. 3.

34. No method of conducting drainage under the public sidewalks, in accordance with the provisions of the two next preceding sections of this Article, shall be deemed a sufficient compliance with the terms thereof, unless such method is approved and so certified by the City Engineer.

City Engineer to decide whether methods of drainage comply with this Article.

Ord. 111, June 22, 1904, Sec. 4.

35. In all cases where the owner or owners or occupiers of buildings or other structures shall refuse or neglect to make provisions for the discharge of the drip or drainage in accordance with the intent and purpose of sections 32, 33 and 34 of this Article, the City Engineer shall proceed to have the necessary means or appliances properly constructed, having first given at least three days' notice to such owner or owners, or occupiers to comply with the provisions of said last named sections, and the cost of said means or appliances and of the laying and construction thereof, shall in such case be charged to the owner or owners or occupiers of the building or other structure from which the drip or drainage is so conducted; and the said owner or owners or occupiers shall thereupon become indebted to the Mayor and City Council of Baltimore for the full amount expended as aforesaid, and the claims therefor shall become a lien on the entire lot and premises, and, should the indebtedness not be paid to the city within one year from the time at which the expense was incurred, the same shall be placed in the hands of the City Solicitor for foreclosure and recovery of the money, including all costs and interest.

When owners, etc., neglect to comply with foregoing provisions.

Notice,

City Engineer to construct drainage and assess cost upon owners, etc.

City Solicitor to collect cost if not paid.

Ord. 111, June 22, 1904, Sec. 5.

36. Any person or persons violating the provisions of sections 32, 33 and 34 of this Article, shall be subject to a penalty of not less than fifty dollars (\$50), nor more than one hundred dollars (\$100).

Penalty.

Temporary Footways for Pedestrians.

Ord. 13, February 24, 1894, Sec. 1.

Footway to be erected within two days.

37. Whenever any sidewalk shall be dug or torn up by any person or corporation, the said person or corporation so digging up or tearing up the sidewalk shall, within two days from the time of the beginning of digging away or tearing up the sidewalk, construct over said sidewalk so dug or torn up, a substantial footway not less than three feet wide with proper guards on the side for the use of the public, which shall be maintained until said sidewalk is restored and repaved in a proper manner.

Ord. 13, February 24, 1894, Sec. 2.

Penalty.

38. Every person or corporation refusing or neglecting to comply with the provisions of the next preceding section of this Article shall be liable to a penalty of ten dollars (\$10) for each and every day which shall elapse until a footway shall be constructed as therein provided.

GRADE AND STREET LINES.*Grade Lines.*

City Code, (1879) Art. 47, Sec. 28. City Code, (1893) Art. 48, Sec. 28.
Ord. 116, June 23, 1904. (Sec. 28).

Upon application by owner, City Engineer may direct City Surveyor to establish permanent grade lines.

39. Upon application in writing to the City Engineer by the owner of any property binding upon any street, lane or alley, or part thereof, now or hereafter to be marked, located, widened, straightened, or laid out upon the plan of the city for the fixing and establishing or changing, as the case may be, of the permanent grade line or lines of any such street, lane or alley, or part thereof, the City Engineer shall, provided in his judgment the public interests require such permanent grade line or lines to be fixed and established, or changed, notify the City Surveyor of such application, and, upon receipt of said notice from the City Engineer, the City Surveyor shall thereupon proceed to fix and establish, or change as the case may be,

the permanent grade line or lines of any such street, lane or alley, or part thereof, in accordance with the provisions of sections 41 to 44, inclusive, of this Article.

Dashiell *v.* M. & C. C. of Baltimore, 45 Md. 615.

Ord. 116, June 23, 1904, Sec. 28.

40. The City Engineer shall keep in his office a record of such establishments or changes, and shall also make a written return of the same to the City Register, who shall record the same and preserve the original in the files of his office, and shall also collect the cost of such establishments or changes of grade from the person or persons making application for the same.

Record of such establishments by City Engineer.

Return and record thereof to be filed in City Register's office.

Ord. 58, May 2, 1888. Ord. 105, October 9, 1888. Ord. 33, April 26, 1889. City Code, (1893) Art. 48, Sec. 29. Ord. 116, June 23, 1904, Sec. 29.

41. Whenever the City Engineer shall determine in his judgment that the public interests require the establishment or change of the grade line or lines of any street, lane or alley, or part thereof in the city of Baltimore, whether such street, lane or alley or part thereof has been condemned or not, he shall forthwith notify the City Surveyor of his said determination and the City Engineer shall likewise notify the City Surveyor of the passage of any ordinance which may provide for the fixing and establishing, or the changing, of the grade line or lines of any street, lane or alley or part thereof in the city of Baltimore.

City Engineer to notify City Surveyor of his determination to change grade, etc.

To give notice of passage of ordinances providing therefor to City Surveyor.

Ord. 116, June 23, 1904, Sec. 29A.

42. Upon receipt of said notification from the City Engineer, the City Surveyor shall proceed to fix and establish, or to change, as the case may be, and to prepare profiles, of the grade lines of all such streets, lanes or alleys, or parts thereof, as are embraced in said notice from the City Engineer.

City Surveyor to fix grades and prepare profiles.

Ord. 116, June 23, 1904, Sec. 29B.

Five days' notice by City Surveyor or by advertisement.

43. Before fixing and establishing or changing as the case may be, the grade line or lines of any such street, lane or alley or part thereof in the city of Baltimore, the said City Surveyor shall give five days' notice in three daily papers published in the city of Baltimore, that he will appear on the premises at the time and on the day named in said notice, for the purpose of fixing and establishing or changing, as the case may be, the said grade lines.

Ord. 116, June 23, 1904, Sec. 29C.

Cost of fixing grade to be paid out of appropriation for City Engineer.

Proviso.

Cost to be added to cost of grading, etc., of streets.

44. The cost of so fixing and establishing or changing the said grade lines shall be paid for out of the appropriation allowed the City Engineer's department for the purpose; provided, however, that whenever under the provisions of sections 41 to 43, inclusive, of this Article, the City Surveyor shall fix and establish, or change the grade lines of any street, lane or alley or part thereof in the city of Baltimore, which has been by ordinance directed to be graded and paved, the cost of such establishment or change shall be added to the cost of the grading and paving of said street, lane or alley, or part thereof, to be paid and collected as the cost of such grading and paving is paid and collected.

Ord. 116, June 23, 1904, Sec. 29D.

Commissioner of Health to require grading and paving of any private alley when necessary to public health.

45. Whenever the Commissioner of Health shall be of the opinion that the public health requires the grading and paving of any private alley, he shall issue a certificate to that effect, directed to the City Engineer and thereupon the City Engineer shall proceed to grade and pave the same according to the provisions of this Article, as far as the same are applicable; provided, however, that whenever in such case it shall be necessary, in the judgment of the City Engineer, to fix and establish or change the grade lines of such private alley, or part thereof, so to be graded and paved as aforesaid, it shall be the duty of the City Surveyor to fix and establish or change such grade lines

upon notice from the City Engineer as provided in sections 41, 42 and 43 of this Article ; the cost of fixing and establishing or changing said grade lines, if the same be necessary, and the cost of grading and paving said alley, shall be assessed on and collected from the owners of the property binding thereon, as provided in this Article and shall be a lien on said property until paid.

Cost thereof to be assessed upon owners of property binding thereon.

Building and Street Lines.

City Code, (1879) Art. 47, Sec. 74. City Code, (1893) Art. 48, Sec. 75.

46. No owner or owners of any lot in the city shall dig or lay the foundation of any house in front of any street, lane or alley, or erect any wall or fence fronting thereon, before he, she or they shall have applied to the City Engineer to make out the true line of such street, lane or alley, unless the corners of the square upon which such improvement is to be made have been duly established, and the City Engineer when so applied to, is hereby authorized and required to see that such foundation, building, house or wall does not and shall not encroach upon the highway.

Line of street to be established before houses shall be built.

City Code, (1879) Art. 47, Sec. 75. City Code, (1893) Art. 48, Sec. 76.

47. If any person or persons shall think him, her or themselves aggrieved by the determination of the City Engineer in fixing the lines of any street, lane or alley, or the boundary of any lot, or in fixing the grade of streets, lanes and alleys, in such case every such person or persons may, within five days next after such determination, appeal from the same to the Mayor, who shall thereupon issue a warrant summoning five disinterested persons of known ability and discretion, whose compensation shall be two dollars per day each (the determination of whom, or a majority of whom, shall be final), to settle all matters of dispute within ten days thereafter, and return their award, in writing, to the City Register, to be by him recorded; and before the persons appointed under such warrant shall proceed to the execution of their duties,

Appeal to Mayor from decision of City Engineer.

they shall make oath or affirmation that they will impartially examine the proceedings of the City Engineer from which an appeal is prayed, and confirm or alter the same as in their opinion is just, without favor or partiality; and the said persons shall receive from the City Engineer all documents and information which influenced and directed him in said determination from which the appeal is made.

City Code, (1879) Art. 47, Sec. 76. City Code, (1893) Art. 48, Sec. 77.

Appellant to first file obligation to pay costs of appeal.

48. When any person or persons shall appeal from the determination of the City Engineer, it shall not be lawful for the Mayor to grant the said appeal and issue the warrant herein mentioned, unless the person or persons so appealing shall enter into an obligation to the Mayor and City Council of Baltimore, and file the same with the City Register, binding him, her or themselves to pay to the Mayor and City Council of Baltimore, all the expenses which may be incurred in the said appeal, should the same be not sustained.

City Code, (1879) Art. 47, Sec. 77. City Code, (1893) Art. 48, Sec. 78.

The City Engineer to fix such expenses.

49. The City Engineer, with the approbation of the Mayor, shall fix and ascertain the said expenses, which shall be paid to the City Register, and by him to the person or persons employed to decide the appeal.

Building Permits.

Ord. 83, December 8, 1900, Sec. 1.

Grade lines to be established by proper officer.

50. The grade lines of all private or public streets, roads, avenues, lanes or alleys shall be properly and permanently established by the proper officer, and a chart or profile of all such grades so established shall be made by him and placed on file in his office, before the Inspector of Buildings shall issue any permit for the erection of any new house or new buildings of any kind fronting thereon.

Ord. 83, December 8, 1900, Sec. 2.

51. Before the Inspector of Buildings shall issue any permit for the erection of any new house or new building of any kind hereafter fronting on any private or public street, road, avenue, lane or alley, it shall be the duty of the Inspector of Buildings to see that the grade lines have been properly and permanently established, and a chart or profile of the same has been made by the proper officer and placed on file in his office before he shall issue said permit.

No building permits to be issued until grade lines are established.

Chart to be made and filed.

Ord. 83, December 8, 1900, Sec. 3.

52. It shall be the duty of the Inspector of Buildings to see that every new house or new building of any kind hereafter erected, fronting on any private or public street, road, avenue, lane or alley, is erected and constructed to conform to the grade lines so established and as shown on the chart or profile so made and placed on file, of said private or public street, road, avenue, lane or alley.

Inspector of Buildings to see that buildings conform to grade lines as set out on chart afore-said.

Ord. 83, December 8, 1900, Sec. 4.

53. If at any time the Inspector of Buildings shall find that any person or persons are violating any of the provisions of sections 50 to 52, inclusive, of this Article, or erecting any building, fronting on any private or public street, road, avenue, lane or alley, not conforming to the grade so established, then it shall be the duty of the said Inspector of Buildings to notify, in writing, the person or persons violating the provisions of said sections 50 to 52, inclusive, or erecting such building not conforming to the grade so established for said street, road, avenue, lane or alley; and any person or persons who shall, after the expiration of ten days from the date of said notice, continue to erect any building, or violate any of the provisions of said section, shall be subject to a penalty of twenty-five dollars (\$25) for each and every offence, and an additional fine of five dollars (\$5) for each and every day that such violation shall continue.

Duty of Inspector of Buildings in relation to violations.

Penalty.

GRADING, PAVING, ETC.

(On Application of Owners.)

City Code, (1879) Art. 47, Sec. 30. City Code, (1893) Art. 48, Sec. 30.

Grading and
paving upon
request of
property
owners.

54. The City Engineer with the approbation of the Mayor, shall have full authority to grade, gravel, shell, pave or curb any street, lane or alley or part thereof, in the city of Baltimore, whenever the owners of a majority of the front feet of ground binding on such street, lane or alley, or part thereof, shall apply for the same.

Holland *v.* Mayor, etc., 11 Md. 186. Bouldin *v.* Mayor, etc., 15 Md. 19. Baltimore *v.* Bouldin, 23, Md. 328. Dashiell *v.* Mayor, etc., 45 Md. 615. Mayor *v.* Boyd, 64 Md. 10. Kelly *v.* Mayor, 65 Md. 171; *cf.*, Baltimore City *v.* Stewart, 92 Md. 551. Mayor etc. *v.* Flack *et al.*, 103 or 104, Md. Daily Record, October 24, 1906. *See*, cases cited under section 6, City Charter, sub-division (26, d) *ante*, page 76.

Notice.

City Code, (1879) Art. 47, Sec. 31. City Code, (1893) Art. 48, Sec. 31.

Notice in such
cases.

55. When the City Engineer shall receive an application in writing to grade, gravel, shell, pave or curb any street, lane or alley, or part thereof, as provided in the next preceding section, it shall be his duty to give ten days' public notice, by advertisement in three newspapers, of the fact of such application, and also of the time and place when he intends to act, for the purpose of considering and determining such application.

Kelly *v.* Mayor, 65 Md. 171.*Contracts.*

City Code, (1879) Art. 47, Sec. 32. City Code, (1893) Art. 48, Sec. 32.

Advertisement
for proposals
for grading,
etc.

56. After such application has been made, and the public notice has been given, and the City Engineer has determined to grade, gravel, shell, pave or curb any street, lane or alley, or part thereof, he shall advertise for proposals and award the contract for such work in accordance

with the provisions of sections 14 and 15 of the City Charter.

Dashiell *v.* Mayor, etc., 45 Md. 615. Kelly *v.* Mayor, 65 Md. 171. Ulman *v.* Baltimore City, 72 Md. 590. Baltimore City *v.* Stewart, 92 Md. 535.

Owners.

City Code, (1879) Art. 47, Sec. 33. City Code, (1893) Art. 48, Sec. 33.

57. A tenant for ninety-nine years, or for ninety-nine years renewable forever, or the executor or administrator of such tenant, or the guardian of an infant owner, or a mortgagee in possession, shall be deemed and taken as an owner for the purposes of any application authorized by the three next preceding sections of this Article, and the application of any such person shall bind the property so represented for any assessment or tax made under it.

Who to be
deemed
owners.

Curbstones.

City Code, (1879) Art. 47, Sec. 38. City Code, (1893) Art. 48, Sec. 39.

58. Streets, lanes or alleys, not more than twenty feet in width, hereafter to be paved, may be paved without curbstones, provided the owners of a majority of the front feet binding thereon shall assent to the same, and the City Engineer shall deem it advisable so to pave such street, lane or alley.

Without curb-
stones.

City Property.

City Code, (1879) Art. 47, Sec. 41. City Code, (1893) Art. 48, Sec. 42.

59. The Mayor shall have full power, whenever he may deem it advisable, to sign, on behalf of the city corporation, any petition for the paving, grading, or curbing of streets, lanes or alleys, on which may front any property belonging to the city.

Mayor may
sign for City.

Cross Streets.

City Code, (1879) Art. 47, Sec. 42. City Code, (1893) Art. 48, Sec. 43.

Expenses of
cross streets.

60. Whenever any street, lane or alley, has been graded, graveled, shelled, curbed or paved in pursuance of the provisions of sections 54, 55 and 56 of this Article, the City Register shall pay the expense of the cross streets, on the order of the City Engineer.

Moale *v.* Baltimore, 61 Md. 241.

Improved Pavements.

City Code, (1879) Art. 47, Sec. 61. City Code, (1893) Art. 48, Sec. 62.

Property
owners
may select
kind of pave-
ment.

61. whenever application shall be made to the City Engineer to have paved or repaved any street, lane or alley of the city of Baltimore, or whenever said paving or repaving shall be done by virtue of an ordinance of the Mayor and City Council of Baltimore, it shall be optional with the owners of a majority of the front feet of ground binding upon said street, lane or alley, whether the said paving or repaving shall be with stone, or what is known as the Nicholson, or any other improved pavement; and provided further, that when any paving or repaving is to be done in front of any property owned by the corporation of the city of Baltimore, the Mayor, Comptroller and City Engineer shall decide whether it shall be paved with stone or any improved pavement.

Grading, Paving, etc., in Annex on Application of Owners.

Powers of Commissioners for Opening Streets in relation to such Paving.**

Ord. 151, June 15, 1906, Sec. 1.

Said commis-
sioners may
grade, pave,
etc., streets,
etc., in An-
nex *pro*
rata at ex-
pense of
owners as
herein pro-
vided.

62. At the request of the owners of a majority of the front feet of ground binding on the whole or any part of any street, lane or alley which is now open, or may hereafter be opened in the "Annex" portion of Baltimore city during the time of the exercise by the Commissioners for Opening Streets of the powers and performance of the

**NOTE.—As to powers of Commissioners for Opening Streets under Annex Improvement Act, *see* Mayor, *etc.* Baltimore *v.* Flack *et al.*, decided by Court of Appeals October 6, 1906, to be reported in 103 or 104 Md.

duties conferred and imposed by Chapter 274 of the Acts of 1904 of the General Assembly of Maryland, and any ordinance or ordinances passed or to be passed in pursuance thereof, the said Commissioners for Opening Streets, acting under the provisions of the aforesaid Act and ordinances, may, if in their judgment the public interests will be served thereby, grade, pave and curb such street, land or alley, or part thereof, at the expense *pro rata* of the owners of all the property binding thereon, wholly as to sidewalks (being one-fifth of the whole width on each side of the said street) and either wholly or in part as to the residue, in accordance with sections 62 to 72, inclusive, of this Article.

Ord. 151, June 15, 1906, Sec. 2.

63. Upon receipt of such application as above mentioned, the said Commissioners for Opening Streets shall give ten days' notice in at least two of the daily newspapers published in the city of Baltimore, of the fact that such application has been made and of the intention of the said commissioners to consider the same, and also of the time when and place where objections to such application will be received and heard.

Notice of intention to consider such applications to be given

Ord. 151, June 15, 1906, Sec. 3.

64. A tenant for ninety-nine years, or for ninety-nine years renewable forever, or the executor or administrator of such a tenant, or the guardian of an infant owner, or a mortgagee in possession shall be deemed and taken as an owner for the purposes of any application authorized by sections 62 to 72, inclusive, of this Article, and the application of any such person shall bind the property so represented for any assessment or tax made under it, and the Mayor of Baltimore city is hereby authorized to sign any such application on behalf of the Mayor and City Council of Baltimore as owner of any property binding on such street, lane or alley, or any part thereof, whenever the said Mayor shall deem it advisable to do so.

Who may sign application as owner.

Mayor authorized to sign on behalf of city.

Ord. 151, June 15, 1906, Sec. 4.

A tax to cover cost of such improvements *pro rata* with frontage on street so improved to be levied on lots binding thereon where such grading and paving is done.

65. After any contract for the work of grading, paving or curbing such street, lane or alley, or part thereof, shall have been awarded in the manner provided by law, the said Commissioners for Opening Streets shall impose a tax on the property binding on such street, lane or alley, or part thereof, to be graded, paved or curbed, equal in amount to the whole expense of the work, or to such part of the said expense as the aforesaid commissioners in their discretion shall determine is to be borne by the owner or owners of such property, and also three per centum on the amount so to be assessed against said property for the cost and expenses of collecting the same; and the said Commissioners for Opening Streets shall apportion the said tax so that the several lots of ground binding on both sides of such street, lane or alley, or part thereof to be graded, paved or curbed, shall become liable for *pro rata* parts thereof, according to the frontage of said property thereon and in such apportionment the Mayor and City Council of Baltimore shall be regarded as the owner of all cross streets; and the said Commissioners for Opening Streets shall then prepare a statement showing the amount of assessment upon each of the aforesaid lots of ground.

Statement of such assessments to be prepared.

Ord. 151, June 15, 1906, Sec. 5.

66. Whenever any street, lane or alley, or part thereof, shall be graded, paved or curbed in accordance with the provisions of sections 62 to 72, inclusive, of this Article, the Commissioners for Opening Streets may, if to them it shall appear advisable, provide in their statement of benefit assessments above mentioned that the payment of the amounts so assessed, or any of them, may at the option of the owners of the respective lots of ground assessed, be deferred for such definite period of time, as the said commissioners shall determine, not to exceed five years from the date of the delivery of the statement aforesaid to the City Register as hereinafter provided, either with or without liability for interest on deferred payments. as said

Payment of benefits so assessed may be deferred in discretion of said commissioners as herein provided; assessments to be liens.

commissioners may deem just and proper; and the assessments so made shall be and continue liens on the respective lots of ground until paid.

Ord. 151, June 15, 1906, Sec. 6.

67. After the Commissioners for Opening Streets shall have completed their apportionment of the costs and expenses to be assessed as aforesaid, and the statement thereof, they shall give notice by advertisement inserted twice a week for two successive weeks in two of the daily newspapers published in the city of Baltimore, that such apportionment has been made and that the statement thereof is on file in the office of the said commissioners for the inspection of all persons interested therein, and that they will attend at their said office on a day in such notice to be named, which shall be not less than ten nor more than twenty days from the first publication of such notice, to review any of the matters set forth in such statement to which any of the persons claiming to be interested therein shall, on or before the day so appointed, make objection; and the said Commissioners for Opening Streets shall attend at the time and place so appointed, and consider all such representations and testimony, verbal or in writing, in relation to any matter in such statement which shall be offered to them on behalf of any person claiming to be interested therein, and shall make all such corrections and alterations in the said apportionment and statement as shall be necessary to make the same correct and just, and they may adjourn from time to time, if necessary, to give all persons claiming review an opportunity to be heard; and, after closing such review, they shall make all such corrections as shall be proper, and shall make a correct list of the property and of the owners, or reputed owners thereof, liable to pay the assessments in the matter aforesaid, and the amount for which each piece of property, or the owner thereof, shall be liable, and shall deliver to the City Register a duplicate list thereof under their hands, together with such explanatory plat or plats, if any, as may be necessary to designate the property upon which

Notice of review of assessments.

Commissioners to attend, consider objections and make corrections.

Corrected list of assessments to be delivered to City Register and such final assessments to become liens.

said assessments are levied, which assessments shall be liens on the several pieces of property on which the same shall respectively be so assessed; and the said commissioners shall correct any mistakes in such list whenever they may be satisfied that any mistakes have been made.

Ord. 151, June 15, 1906, Sec. 7.

Publication
of notice of
deposit with
City Register
of said list.

68. It shall be the duty of the City Register, within five days after the said proceedings shall have been deposited in his office, to notify all persons interested, by an advertisement to be inserted once a week for four successive weeks, in two daily newspapers published in the city of Baltimore, that the said list of assessments and explanatory plat or plats, if any, have been so placed in his office and that the parties affected thereby are entitled to appeal therefrom by petition in writing to the Baltimore City Court.

Ord. 151, June 15, 1906, Sec. 8.

Written or
printed
notice of as-
sessments to
be served on
owners of
property
assessed.

69. It shall be the duty of the Commissioners for Opening Streets to serve written or printed notices on each and every person or persons assessed or taxed as aforesaid, for the grading, paving and curbing of any street, lane or alley, or part thereof, so far as the same may be known; provided, however, that the service of such notice shall not be so construed as to be one of the prerequisites to the collection of any such assessment of tax.

Ord. 151, June 15, 1906, Sec. 9.

Persons inter-
ested may
petition for
review by
Baltimore
City Court
and may ap-
peal from its
judgment
to the Court
of Appeals as
herein pro-
vided.

70. Any person or persons who may be dissatisfied with any assessment or assessments in which he or they shall be in any manner interested may, within thirty days after the return of the above mentioned proceedings to the City Register, appeal therefrom by petition to the Baltimore City Court, praying the said Court to review the same, and thereupon the proceedings shall be similar to those in the trials of street appeals and the same right shall be had to appeal to the Court of Appeals.

Ord. 151, June 15, 1906, Sec. 10.

71. If no appeal shall have been prayed at the expiration of the time allowed for appeals, then within ten days thereafter, or after the return of the decisions upon such appeal or appeals shall have been made to the City Register, the City Register shall transfer the said lists received from the Commissioners for Opening Streets to the City Collector, who, after the benefit assessments aforesaid shall have become due and payable, shall proceed in all respects as he does in cases where persons or property are assessed for benefits for opening, closing, widening or straightening any street, lane or alley; and unless otherwise provided in the aforesaid statement, the benefit assessments shall be due and payable on the date of transfer of the said statement to the City Collector as aforesaid.

When list of assessments shall be transferred to City Collector for collection.

Procedure in collection of assessments to be as in the case of collecting benefits for opening, etc., streets; when such assessments shall become due and payable.

Ord. 151, June 15, 1906, Sec. 11.

72. Whenever any money shall have been collected by the City Collector aforesaid for benefits assessed upon any property, in accordance with the provisions of sections 62 to 71 inclusive, of this Article, such money shall be paid over by the said City Collector, in the manner required by law, to be placed to the credit of the fund provided for by Chapter 274 of the Acts of 1904 of the General Assembly of Maryland, and may be appropriated by the aforesaid Commissioners for Opening Streets for the purposes designated in, and in accordance with, the provisions of the aforesaid Act of Assembly, and the ordinances passed or to be passed in pursuance of the provisions thereof.*

Money collected on account of such assessments to be placed to credit of fund provided for by Act 1904, ch. 274.

*NOTE.—In relation to the condemning, laying out, opening, etc., of streets in the Annex, Ordinance No. 216, approved March 6, 1905, provides as follows:

Sec. 6. The Commissioners for Opening Streets are authorized, empowered and directed, to perform the duties and functions provided in the Act of 1904, ch. 274, for the Annex Improvement Commission.

Sec. 7. In condemning, laying out, opening, extending, widening, straightening or closing streets, avenues, lanes, alleys, or parts thereof, under the Act 1904, ch. 274, the procedure of the Commissioners for Opening Streets, except so far as they shall be authorized by the terms of said Act to acquire property, rights or interests, franchises, privileges

Commissioners for Opening Streets to perform duties of Annex Improvement Commission.

Grading, Paving etc., by owners in "Annex".

Res. 67, July 2, 1897. Res. 20, June 11, 1900.

Majority of property owners on streets in "Annex" may select paving and pave such streets at their own expense.

City to pave cross streets.

Area of paving.

Paving to be uniform.

Condemnation proceedings in relation to improvement of Annex to be as in other street openings.

Authority of Commissioners not to depend on ordinances.

73. The property owners of all that part of Baltimore known as the "Annex" who own property in said territory on unimproved or partly improved streets, shall have the right to grade, pave, or curb, gravel or macadamize any of such unimproved or partly improved streets in said "Annex", in front of their respective property and the intersections of any such unimproved or partly improved streets, in such manner as a majority of the owners on both sides of any such streets who shall own a majority of the front feet binding on such street or streets shall agree upon, between the limits intended to be improved, and who shall sign and file written specifications for said work with the City Engineer; said work to be done upon grades established or to be established as provided in sections 41 to 45 inclusive, of this Article; all of such work (with the exception of cross streets) to be done at the expense of the parties owning the property binding on said streets, and who sign said specifications without any cost to the city (except for the cross streets, which are to be paid by the city). Not less than one block on any of the said unimproved or partly improved streets, shall be improved under this resolution, and to insure uniformity the class of paving first adopted by the majority of property owner for said block, shall not be changed without the written permission of the City Engineer. In all such cases the parties so improving the streets in front of their property under

or easements through the voluntary action of the citizen, shall be that now or hereafter prescribed by law in relation to their ordinary duties and powers of the same nature, and in grading, paving and curbing streets, avenues, lanes, alleys, or parts thereof, or in establishing and fixing the building lines and the widths of the sidewalks on streets, avenues, lanes, alleys, or parts thereof, the procedure of the said Commissioners for Opening Streets shall be that now or hereafter prescribed by law in relation to the respective duties and powers of the same nature with which the City Engineer and other officers of the city are now respectively clothed; provided, that it is not hereby intended that the right of the said commissioners to condemn, lay out, open, extend, widen, straighten or close streets, avenues, lanes, alleys, or parts thereof, shall in anywise be dependent upon the passage of ordinances of the Mayor and City Council of Baltimore directing the same.

the provisions of this section, shall give a good and sufficient bond to the city, to be approved by the City Engineer, indemnifying the city against any of the costs of said work other than that of the cross streets.

Parties improving to give bond to indemnify city

Paving Assessments or Tax.

City Code, (1879) Art. 47, Sec. 34. City Code, (1893) Art. 48, Sec. 35.

74. After the contract has been awarded, as provided in section 56 of this Article, the City Engineer shall impose a tax upon the owner or owners of property binding upon such street, lane or alley, or part thereof, equal in amount to the whole expense of the work, and for collecting the same, being three per centum on the whole cost, except for cross streets; and he shall assess and lay a tax upon the owner or owners of property on each side of said street, lane or alley, or part thereof, of one-half of so much of said street, lane or alley, as may be in front of such property, except for paving the portion reserved for sidewalks, being one-fifth of the whole width on each side thereof; and the said tax shall be a lien upon such property.

Tax to be imposed on owners of property binding on street, to cover cost of paving, etc., under contract.

Henderson *v.* Mayor, etc., 8 Md. 352. Moale *v.* Baltimore, 61 Md. 241. Alberger *v.* Baltimore, 64 Md. 1. Baltimore *v.* Raymo, 68 Md. 569. Baltimore City *v.* Ulman, 72 Md. 590. Baltimore *v.* Ulman 79 Md. 469. See also, Baltimore City *v.* Stewart, 92 Md. 535, and Hagerstown *v.* Startzman, 93 Md. 606.

Ord. 37, April 5, 1881. City Code, (1893) Art. 48, Sec. 36.

75. After the contract has been awarded to grade, gravel, shell, pave or curb, any street, lane or alley, or parts thereof, the City Engineer shall make a correct list of the names of the persons liable to pay the tax for the same, and the amount to be paid by each person; and he shall deliver to the City Collector a duplicate list of the names of such persons, and the amount to be paid by each, under his hand and seal, with directions for collecting the said tax, which shall be due in sixty days after the completion of the work and its acceptance by the City Engineer; and it shall be the duty of the City Engineer upon the expiration of sixty days after the completion of such work, and its acceptance by him, to issue his warrant upon the

List of persons liable for tax.

When contractor shall be paid.

City Register for the entire amount due under such contract, in favor of such contractor, which, when approved by the Mayor, shall be paid by the City Register upon the certificate of the Comptroller.

Ulman v. Baltimore, 72 Md. 594.

Ord. 37, April 5, 1881. City Code, (1893) Art. 48, Sec. 37.

Notice to such persons required to pay tax.

76. The City Collector is directed to notify the persons named in the list of the City Engineer referred to in the next preceding section of this Article of the fact that such work has been completed and accepted, and of the date when said tax or assessment therefor will become due; and it shall be the duty of the City Collector, upon the expiration of sixty days after such completion and acceptance, to collect at once, as other city taxes are collected, all assessments due for such work, charging interest at six per cent. from the time the same becomes due.

See, Baltimore v. Ulman, 79 Md. 469. *Baltimore City v. Stewart*, 92 Md. 535.

Selection of Paving.

Ord. 165, February 24, 1899, Sec. 1.*

Cobblestone pavements prohibited.

77. No contract shall be made by the city for paving or repaving any street, avenue, lane or alley within the limits of the city with what is known as a cobblestone pavement, nor shall any such pavement be permitted to be laid on any street, avenue, lane or alley within the corporate limits of the city by any individual or corporation.

Ord. 165, February 24, 1899, Sec. 2.

Newly opened streets to be paved with improved pavements.

78. When any newly-opened street, avenue, lane or alley within the corporate limits of the city is to be paved, it shall be the duty of the City Engineer to notify the owners of the front feet of the land binding thereon by

*NOTE.—This ordinance was construed *in re* Mayor, etc., *v. Flack et al.*, decided by the Court of Appeals October 6, 1906; to be reported in 103 or 104 Md. *see*, Daily Record, October 24, 1896.

advertisement in not less than two daily newspapers published in the city, the said advertisement to be inserted not less than twice in each of said newspapers during ten days, that it is the purpose of the city to pave said street, avenue, lane or alley, and that the City Engineer will select for said paving such kind of improved pavement as may be decided upon by the owners of a majority of said front feet; and if the owners of a majority of said front feet shall fail to notify the City Engineer within three days from the insertion of the last advertisement of the kind of improved pavement which they desire to have laid, then the City Engineer, with the approval of the Mayor, shall select the kind of improved pavement with which the said street, avenue, lane or alley shall be paved.

Notice to owners to signify kind of paving desired.

When City Engineer shall select kind of paving.

See, *Baltimore v. Scharf*, 54 Md. 499, and *Baltimore v. Stewart*, 92 Md. 550.

Ord. 165, February 24, 1899, Sec. 3.

79. The terms "improved pavement" shall include sheet asphalt, block asphalt, creosoted wooden blocks, vitrified brick, belgian blocks, or such other improved pavement as may be approved by the Mayor and City Engineer.

Paving to be approved by Mayor and City Engineer.

Ord. 165, February 24, 1899, Sec. 4.

80. In all cases of repaving with improved pavement of streets, avenues, lanes or alleys, already paved, where an ordinance providing for such repaving does not specify the kind of improved pavement to be used for such repaving, and where the Mayor and City Council of Baltimore is required to pay the whole cost of such repaving, then the kind of improved pavement to be used for such repaving shall be decided upon by the City Engineer with the approval of the Mayor.

Where the City pays the whole cost of paving, etc., City Engineer and Mayor shall select paving.

Paving Work.

Ord. 165, February 24, 1899, Sec. 5.

81. In all paving or repaving of streets, avenues, lanes or alleys, unless it shall be otherwise provided by city ordinance directing such paving or repaving, the work shall

To be done by contract or labor employed by the city.

be done by contract or else by labor employed by the city and paid by the city, as in the judgment of the Mayor and City Engineer may be best for the interests of the city.

Macadam Paving in "Annex."

Ord. 165, February 24, 1899, Sec. 6.

The six next preceding sections not to affect paving already made.

Macadamizing permitted in "Annex".

82. Nothing in the five next preceding sections of this Article shall affect the paving of any street, avenue, lane or alley for which contracts for paving have already been made by the Mayor and City Council of Baltimore; and nothing contained in said sections of this Article is intended to prevent the macadamizing of streets, avenues, lanes or alleys in the section commonly known as the "Annex," being the territory comprised in the old Twenty-first and Twenty-second wards, when such macadamizing is desired by the owners of a majority of front feet binding on said streets, avenues, lanes or alleys, subject to the approval of the Mayor and City Engineer.

Stepping Stones.

City Code, (1879) Art. 47, Sec. 81. City Code, (1893) Art. 48, Sec. 83.

Flag and stepping stones.

83. The City Engineer is authorized to place flag and stepping stones whenever and wherever the convenience and necessity of the public may require the same, upon proper application being made to him, and whenever appropriation therefor is made by the annual ordinance of estimates.

Wharves, Docks, Etc.

City Code, (1879) Art. 47, Sec. 82. City Code, (1893) Art. 48, Sec. 84.

Repairing private wharves, streets and alleys.

84. The City Engineer is hereby authorized, upon the application of the owners of a majority of the front feet binding on any private wharf, dock, street, lane or alley, to cause the same to be thoroughly repaired and cleaned, and to assess and collect from the owners of the property a tax sufficient to defray the expense of the same in the manner prescribed by law.

NUISANCES.

City Code, (1879) Art. 23, Sec. 53. Ord. 105, October 9, 1888. City Code, (1893) Art. 23, Sec. 74. Ord. 2, December 1, 1893. Ord. 13, October 23, 1905, Sec. 1.

85. Whenever any nuisance dangerous to the health of the inhabitants of Baltimore city shall exist in any private street, lane or alley of the city of Baltimore, and it shall be considered necessary in the opinion of the Commissioner of Health, in order to remove the same, to have such street, lane or alley paved or repaved, the said Commissioner of Health shall issue a certificate to that effect to the City Engineer who shall thereupon proceed to pave or repave the same; and the amount expended in paving or repaving the same, and the expenses of collection shall be recovered from the owner or owners of the property fronting thereon in proportion to the amount expended in front of said property, by suit against the owner or otherwise, as provided by the three next succeeding sections of this Article.

Commissioner of Health to direct City Engineer to pave or repave streets in state of nuisance.

Ord. 13, October 23, 1905, Sec. 2.

86. Before the City Engineer shall proceed to pave or repair the same, he shall give ten days' notice in two of the daily newspapers published in the city of Baltimore, that on the day and at the time and place mentioned he will ascertain and determine the amount to be assessed upon all property binding on any street, lane or alley to be paved or re-paved as provided for in the next preceding section, and will also give all persons interested an opportunity to show cause, if any, why the said street, lane or alley should not be paved or repaved; and on the day and at the place mentioned, after hearing all persons interested who may desire to be heard, he shall proceed to apportion among the different pieces of property binding on the said street, lane or alley, the total cost of the paving or repaving of the street, lane or alley, or portion thereof; and he may adjourn from time to time, if necessary, to give all parties an opportunity to be heard, and, after hearing the different parties interested, he shall make out a list of the property

City Engineer to give notice of meeting to determine assessment and to hear persons interested in said paving.

Conduct of such hearing and manner of proceedings in relation to such paving and re-paving.

and of the owners or reputed owners thereof liable to pay the cost of said paving or repaving and the amount to be paid by each piece of property; and thereupon all the proceedings for or in connection with the paving or repaving of the said street, lane or alley and for and in connection with the assessment, payment and collection of the cost thereof, shall be those set forth in sections 94, 95, 96, 97, 98, 99 and 100 of this Article.

Ord. 13, October 23, 1905, Sec. 3.

Procedure in case the court decides that no nuisance existed.

Refunding moneys paid in such cases.

87. Whenever any court of competent jurisdiction shall declare that no nuisance existed or that the paving or repaving of the said street, lane or alley was not necessary to the removal or abatement of a nuisance, or that such nuisance was caused by an act or ordinance of said city, or its officers in the execution of their duties, it shall be the duty of the Comptroller immediately thereafter to draw his warrant on the City Register in favor of any and all persons, or their legal representatives, who may have paid into the city treasury any sum or sums of money on account of any paving or re-paving made under supposed authority of sections 85, 86 and 88 of this Article, the repayment of said sum or sums shall be provided for by the Board of Estimates. The Comptroller shall likewise draw his warrant on the City Register for the payment of all expenses which may have been incurred by virtue of any such paving.

Ord. 13, October 23, 1905, Sec. 4.

Notice by publication where owner is a non-resident.

88. Whenever the owners or any of the owners of property fronting on any of the streets, lanes or alleys to be paved or repaved under the provisions of sections 85, 86 and 87 of this Article, are non-residents of the city of Baltimore, the City Engineer before proceeding to pave or repave the same, shall give public notice by advertisement published at least three times a week for three successive weeks in two newspapers of the city of Baltimore, describing the property chargeable, the amount of expenses with which it is chargeable, and, if known, the name of the owner thereof.

PAVING ORDINANCES.

Legal Form.

Ord. 37, April 17, 1885. City Code, (1893) Art. 48, Sec. 34.

89. Before the City Engineer shall proceed to execute any ordinance which may be hereafter passed, for the grading, paving or curbing or the repaving, regrading, or recurbing of any street, or alley, or the construction of any sewer, he shall procure and file in his office the written opinion of the City Solicitor, certifying that all proper and necessary proceedings have been taken to authorize the Mayor and City Council of Baltimore to pass said ordinance, and that said ordinance is legally sufficient for the purpose for which it has been passed; and it shall be the duty of the City Solicitor to furnish the City Engineer an opinion, in writing, of the purport above mentioned.

Preliminary
opinion of
City Solicitor
that ordi-
nance is
valid.

Kelly v. Mayor, 65 Md. 171.

Hearing Before Council.

City Code, (1893) Art. 48, Sec. 61A. Ord. 33, March 14, 1893.

Ord. 50, March 24, 1893.

90. Before any ordinance for the grading, shelling, graveling, paving and curbing, or for regrading, reshelling, regrading, repaving and recurbing of any street, lane and alley, or part thereof, by the terms of which the whole or any portion of the cost of the work is to be assessed upon the property binding on such street, lane or alley, or part thereof, shall be passed by either branch of the City Council, it shall be referred to the Joint Standing Committee on Highways; before recommending the passage of any such ordinance, the said Joint Standing Committee on Highways shall require the chief clerk of the branch of the City Council in which the said ordinance was introduced, to give ten full days' notice, excluding both the day of publication and the day of the session of the committee, in at least two of the daily papers of the city of Baltimore, of the introduction of said ordinance, and that any and all persons interested therein will be heard upon any matter

Preliminaries
to passage
of any ordi-
nance for
grading or
regrading,
shelling or
reshelling,
graveling or
regraveling,
paving or
repaving,
curbing or
recurbing,
any streets
lanes or
alleys.

relating thereto, by the said Joint Standing Committee on Highways at the time and place to be designated in such notice.

Baltimore City *v.* Stewart, 92 Md. 545. The notice prescribed in section 90 must be given or a court of equity will intervene.—Bond *v.* Malster, Daily Record, July 6, 1899.

Bids and Contracts.

Ord. 33, March 14, 1893. City Code, (1893) Art. 48, Sec. 61B.

91. As soon after the passage of any such ordinance as practicable, it shall be the duty of the City Engineer to give notice in conformity with the requirements of section 14 of the City Charter, that proposals will be received for doing the entire work, or, if the labor is to be done by the day, then for the materials; all bids to be opened and awards made in accordance with the requirements of section 15 of the City Charter; in case the labor is to be done by the day, then the City Engineer shall make a careful estimate of the cost of such work, including the contract price of the materials.

Advertisement for proposals

Award of contract.

Cost of work and materials to be estimated.

Baltimore City *v.* Stewart, 92 Md. 535.

Paving Assessments.

City Code, (1893) Art. 48, Sec. 61C. Ord. 33, March 14, 1893, (Sec. 61c).

92. After the contract for the whole work has been awarded or the cost of the whole work ascertained, as provided in the next preceding section of this Article, the City Engineer shall apportion the whole or such portion of the cost of the work as the ordinance shall require to be paid by the property owners (not including, however, any portion of the cost of the cross streets) together with three per centum thereon for costs and expenses, upon the property binding on each side of said street, lane or alley, or part thereof, in proportion to the frontage of such property thereon.

Apportionment of cost.

Baltimore City *v.* Stewart, 92 Md. 535.

City Code, (1893) Art. 48, Sec. 61D. Ord. 33, March 14, 1893. (Sec. 61d).

93. After the City Engineer shall have completed his apportionment of the expenses to be assessed upon the property binding on said street, lane or alley or part thereof, he shall give notice by advertisement inserted twice a week for two successive weeks, in two of the daily newspapers published in the city of Baltimore, that such apportionment has been made and that the statement thereof is on file in his office, for the inspection of all persons interested therein; and that he will attend at his said office, on a day in such notice to be named, which shall not be less than ten nor more than twenty days after the first publication of such notice, to review any of the matters set forth in said statement to which any person claiming to be interested therein, shall, on or before the day so appointed, make objections; and the City Engineer shall attend at the time and place so appointed, and consider all such representations and testimony, verbal or in writing, in relation to any matter in said statement which shall be offered to him, on behalf of any person claiming to be interested therein, and shall make such correction and alteration in said apportionment and statement as shall be necessary to make the same correct; and he may adjourn, from time to time, if necessary, to give all parties claiming review an opportunity to be heard; and after closing such review, he shall make such corrections as shall be proper, and shall make a correct list of the property and of the owners or reputed owners thereof, liable to pay the tax or assessment, and the amount to be paid by each piece of property, and shall deliver to the City Register a duplicate list thereof, under his hand, together with such explanatory plat or plats, if any, as may be necessary to designate the property upon which said tax or assessment is levied, which taxes shall be liens on the several pieces of property upon which the same shall respectively be so assessed; and the City Engineer shall correct any mistake in such list, whenever he may be satisfied that any mistake has been made.

Advertisement
of such ap-
portionment.

Review and cor-
rection of ap-
portionment.

List of assess-
ments to be
delivered to
City Register.

City Code, (1893) Art. 48, Sec. 61E. Ord. 33, March 14, 1893. (Sec. 61e).

Notice by City
Register.

94. It shall be the duty of the City Register, within five days after the said proceedings shall have been deposited in his office, to notify all persons interested, by an advertisement to be inserted once a week for four successive weeks, in two daily newspapers of the city, that the said assessment and explanatory plat or plats have been so placed in his office, and that the parties affected thereby are entitled to appeal therefrom by petition in writing to the Baltimore City Court.

Baltimore City *v.* Stewart, 92 Md. 544.

City Code, (1893) Art. 48, Sec. 61F. Ord. 33, March 14, 1893. (Sec. 61f).

Services of
notices on
parties as-
sessed or
taxed.

95. It shall be the duty of the City Engineer to serve written or printed notices on each and every party or parties assessed or taxed for the said grading, shelling, graveling, paving, and curbing, or for regrading, reshelling, regravelling, repaving or recurbing of any street, lane or alley; provided, however, that the service of such notice shall not be so construed as to be one of the prerequisites to the collection of any assessment under any ordinance heretofore passed or hereafter to be passed by the Mayor and City Council of Baltimore.

Appeals from Paving Assessments.

City Code, (1893) Art. 48, Sec. 61G. Ord. 33, March 14, 1893. (Sec. 61g).

Appeal to Balti-
more City
Court.

96. Any person or persons who may be dissatisfied with any assessment in which he or they are in any manner interested, may, within thirty days after the return by the City Engineer to the City Register, of the above mentioned duplicate lists of the property and owners or reputed owners thereof, liable to said tax or assessment, appeal therefrom by petition to the Baltimore City Court, praying said court to review the same; and thereupon the proceedings shall be similar to those in the case of the trial of street appeals; and the further right shall be had to appeal to the Court of Appeals.

Further appeal
to Court of
Appeals.

Baltimore City *v.* Stewart, 92 Md. 535.

*Void Ordinances.**

City Code, (1893) Art. 48, Sec. 61H. Ord. 33, March 14, 1893. (Sec. 61h).

97. Whenever any ordinance passed by the Mayor and City Council of Baltimore, providing for the grading, shelling, graveling, paving, curbing, regrading, reshelling, regrading, repaving or recurbing of any street, lane or alley in said city, shall, before any of the work has been done under the same, be set aside and declared null and void by any court of competent jurisdiction, to wit: the Baltimore City Court or the Court of Appeals, in the event of an appeal to that tribunal, or the same shall be repealed by the Mayor and City Council of Baltimore, it shall be the duty of the Comptroller immediately thereafter to draw his warrant on the City Register in favor of any and all such persons or their legal representatives, who may have paid into the city treasury any sum or sums of money on account thereof, which shall be forthwith paid out of any sums in the treasury not otherwise appropriated. The Comptroller shall likewise draw his warrant on the City Register for the payment of all expenses which may have been incurred by virtue of any such ordinance in carrying out the provisions thereof, for which the city may be liable under existing circumstances.

Proceedings
where such
ordinances
are set aside
or repealed.

Refund to
owners and
costs paid by
city.

City Code, (1893) Art. 48, Sec. 61 I. Ord. 33, March 14, 1893. (Sec. 61 i).

98. If no appeal shall have been prayed, then, within ten days after the time hereinbefore limited therefor or after the return of the decision upon any such appeal or appeals shall have been made to the City Register, the City Register shall transfer the said lists received from the City Engineer to the City Collector, who shall thereupon proceed in all respects as he does in cases where persons or property are assessed for benefits for opening, closing, widening or straightening any street, lane or alley.

Proceedings
where an ap-
peal is taken
or after ap-
peals are
decided.

*NOTE.—See note to section 218 of the City Charter, *ante*, page 217.

Excess of Expenses.

City Code, (1893) Art. 48, Sec. 61J. Ord. 33, March 14, 1893. (Sec. 61j).

City Register
to pay excess
of expenses
over assess-
ments.

99. If the total amount of assessments after the revision of the same by the appeals in the next preceding section authorized and provided for, shall not be sufficient to defray the expense of grading, shelling, graveling, paving, curbing, regrading, reshelling, regraveling, repaving or recurbing, the balance of said expense shall be paid by the City Register on the warrant of the Comptroller, out of such appropriations as may exist for the purpose.

City Code, (1893) Art. 48, Sec. 61K. Ord. 33, March 14, 1893. (Sec. 61k).

Notice to con-
tractor to pro-
ceed with his
work.

100. As soon as the whole of said assessments shall have been collected, or earlier, if directed by the Mayor, the City Engineer shall notify the contractor to proceed with the work, or if the same is to be done by day labor, he shall cause the work to be executed; and if, upon the final completion thereof, and the exact ascertainment of the cost, it shall be found that the assessments were greater than necessary, the surplus shall be refunded *pro rata* to the parties who paid the same, by the warrant of the Comptroller upon the certificate of the City Engineer.

Refund where
assessments
are exces-
sive.

Bermuda Asphalt.

Ord. 32, April 16, 1895.

Authorizing
Bermuda as-
phalt instead
of sheet Trin-
idad Lake
asphalt,
when latter
or an "equal-
ly good" as-
phalt is speci-
fied.

101. In all streets required by ordinances heretofore passed, "to be paved with sheet Trinidad Lake asphalt to be of the best quality of refined Trinidad asphalt obtained from the so-called pitch or asphalt lake of the island of Trinidad," the Mayor and City Engineer are hereby authorized and directed to permit the use of what is known as Bermuda asphalt or any other asphalt which has been found by experience equally good for paving purposes, and in advertising for proposals for such repaving shall include the said Bermuda asphalt, or any other asphalt which has been found by experience equally good for paving purposes among the kinds of asphalt for which proposals will be accepted.

NAMES OF STREETS.

Ord. 88, March 5, 1906, Sec. 1.

102. The Commissioners for Opening Streets are authorized and directed to revise or change the names of such public streets, avenues and highways of the city of Baltimore as may appear to be necessary and beneficial to the interests of the city.

Commissioners
for Opening
Streets may
change or re-
vise same.

Ord. 88, March 5, 1906, Sec. 2.

103. Such revision or change as provided in the next preceding section of this Article, shall become effective only upon and after the approval of the Mayor and City Council of Baltimore.

To be approved
by Mayor and
City Council.

PERMITS FOR DIGGING UP STREETS.*Unpaved Streets.*

City Code, (1879) Art. 47, Sec. 94. City Code, (1893) Art. 48, Sec. 106.

104. No carter or other person shall dig, remove or carry away from or out of any of the unpaved streets, lanes or alleys of the city, any dirt, earth, sand or gravel, without a special license first had and obtained from the City Engineer with the approbation of the Mayor, for that purpose, specifying the time when, and place from which the same is to be removed, under the penalty of one dollar for every load of dirt, earth, sand or gravel so removed.

No earth to be
removed
from same
without
license from
the City En-
gineer.

Penalty.

Paved Streets.

Ord. 80, June 28, 1883. Ord. 2, November 25, 1892. City Code, (1893) Art. 48, Secs. 107, 157E.

105. No person or persons, corporation or corporations, shall under any pretext or any cause whatever, dig up, tear up, or uncover any of the streets, lanes or alleys of the city, or any part thereof, or remove therefrom any of the stones, bricks, blocks, cement or other material with which the same may be paved in whole or in part; or plant, erect

Streets not to
be dug up;
poles, &c.,
not to be
planted with-
out permis-
sion from
City
Engineer.

or set up, on any portion of the bed of such streets, alleys or lanes, or any portion of the sidewalks thereof, any telegraph, telephone, electric light or other pole or poles of any description whatsoever, without first having obtained a written permit therefor from the City Engineer, approved by the Mayor.

State *ex rel. v. Latrobe et al.*, 81 Md. 222. Edison Co. *v. Hooper*, 85 Md. 111. C. & P. Tel. Co. *v. Baltimore City*, 89 Md. 706. C. & P. Tel. Co. *v. Baltimore*, 90 Md. 643.

Ord. 80, June 28, 1883. Ord. 2, November 25, 1892. City Code, (1893) Art. 48, Secs. 108, 157F.

Regulations as to issuing of such permit.

Necessary re-grading to be done by City Engineer.

City Engineer to designate position of poles, etc., and may change same.

Same to be removed when ordered by Mayor and City Engineer.

106. No such permit as is provided for in the next preceding section, shall be issued or granted at any time unless the applicant or applicants seeking the same shall apply therefor in writing, and shall in such application consent and agree that the regrading and repaving of such portion of any street, lane or alley as may be torn up or otherwise disturbed under such permits, and any and all such other work as may in the judgment of the City Engineer be rendered necessary to restore the said street, lane or alley to a proper condition, shall be done by the City Engineer at the expense of said applicant; and if said application is for a permit to erect one or more telegraph, telephone, electric light or other poles of any description whatsoever, the person or persons, corporation or corporations, applying for the same, shall in said application further consent and agree that such telegraph, telephone, electric light or other pole or poles shall be placed in such position or positions as the City Engineer may designate, and that the location of such telegraph, telephone, electric light or other pole or poles, shall be changed at any future time to such other position or positions as the Mayor for the time being shall designate, and that if the Mayor and City Engineer for the time being, shall at any future time order said telegraph, telephone, electric light or other pole or poles, or any of them, to be taken down, that the same shall be removed within three days, and that the cost of any change in location or of taking down and removing

said telegraph, telephone, electric light or other pole or poles, including the cost of any repairing of the bed of the street thereby rendered necessary, shall be borne by the applicant or applicants for the said permits.

Edison Co. *v.* Hooper, 85 Md. 111.

Ord. 80, June 28, 1883. Ord. 2, November 25, 1892. City Code, (1893) Art. 48, Secs. 109, 157G.

107. If any person or persons, corporation or corporations, shall violate any of the provisions of the two next preceding sections, either directly or through any employe, servant or agent, he, it or they shall be subject to a fine of not less than twenty nor more than fifty dollars for each day the same shall continue.

Penalty for violation of two preceding sections.

Edison Co. *v.* Hooper, 85 Md. 111.

Trenches, Drains, etc.

City Code, (1879) Art. 47, Sec. 95. City Code, (1893) Art. 48, Sec. 110.

108. No person or persons, shall make, dig or throw up any drain, trench, gulley, gutter or canal, in, through, along or across any of the streets, lanes or alleys of the city, without a special license or permission in writing for that purpose first had and obtained from the City Engineer specifying the place where the same is to be done, and such conditions as he may think necessary, under a penalty of ten dollars, if the same shall not be done in strict accordance with said permission, and the street, lane or alley kept in good repair as therein required, and the like sum weekly until the same be removed, or permission received and complied with as above required.

Not be thrown up without permit.

Penalty for not complying with license to construct.

Gas and Water Connections.

Ord. 117, November 15, 1898.

109. No permit shall be granted by the City Engineer to any person or persons, corporation or corporations, to dig up, tear up, or uncover any of the streets or avenues of

Regulating connection of public and private houses with gas, water mains, etc.

Baltimore city, or any portion thereof, for the purpose of making connections between the public or private houses, factory, store or other buildings abutting on said streets or avenues, and the gas or water mains or sewers buried in the beds of said streets or avenues, when in his judgment said connections can be made by excavation in the alley or lane in the rear of or adjoining such public or private house, store or other buildings.

Ord. 117, November 15, 1898.

Mains and
sewers to be
constructed
in alleys
where prac-
ticable.

110. All water mains, gas mains and sewers shall be laid, built or constructed in the beds of the alleys of Baltimore city, except where, in the judgment of the City Engineer it is impracticable.

REGULATING OPENING AND USE OF STREETS.

Repairs.

City Code, (1879) Art. 47, Sec. 83. City Code, (1893) Art. 48, Sec. 86.

Trenches made
by gas com-
panies.

111. The City Engineer when engaged in repairing streets, lanes and alleys, shall repair the same over the trenches made by the several gas companies, and collect the cost of the work from the companies over whose pipes the repairs shall have been made.

Safety Regulations.

Ord. 106, November 18, 1878. City Code, (1893) Art. 48, Sec. 87.

Digging up,
&c., streets,
&c.

112. The several gas companies, railroad companies, as well as other corporations and individuals, (including all officers and employes of the city) who may now have, or who may hereafter receive permission to dig up or disturb any of the streets, lanes or alleys of the city, for the purpose of laying or re-laying railroad tracks, or repairing the same, or constructing wells, ditches, drains, sewers, tunnels, laying pipes of any kind, or repairing the same, shall be, and they are hereby, required to take the proper measures to insure the safety of passing vehicles and

pedestrians from loss of life or injury to person or property, by the erection of a fence or barrier by day, and in addition thereto, by displaying one or more lanterns at night, at the portion or portions left open, and also at every street crossing on the line of the work where the same may be left open, and upon a failure so to do, such corporations, companies or individuals, (including all officers and employes of the city) shall suffer a fine or penalty of not less than twenty dollars, nor more than fifty dollars for each and every offence, to be collected as other fines and penalties are now collected in the city of Baltimore. Whenever any piles of bricks, stones, lumber or other building material shall be left in any of the streets, lanes or alleys of the city, they shall, during the night, be designated by displaying a lighted lamp or lantern at such part of the same as to be easily observed by persons passing along the street; and any person or persons, or body corporate, who may violate any of the provisions of this section, shall forfeit and pay a fine of not less than five nor more than ten dollars for each and every offence.

How safety of passing vehicles and pedestrians insured.

Penalty.

Lamps to be placed on piles of brick, lumber, &c.

Sinclair *v.* Baltimore, 59 Md. 598. Baltimore City *v.* Beck, 96 Md. 190. See also, Baltimore *v.* O'Donnell, 53 Md. 110.

Restoring Street Surface.

Ord. 62, May 2, 1888. City Code, (1893) Art. 48, Sec. 88.

113. Any person or persons or corporation who shall dig up the streets, lanes or alleys of the city of Baltimore, for the purpose of laying pipe or any other purpose, shall return the dirt removed from such excavation, and in replacing the same, shall use a rammer or such other contrivance as shall make the ground where such excavations are made sufficiently solid so as not to sink after having been paved. Any person or persons, or corporation violating any of the provisions of this section, shall forfeit and pay a fine of ten dollars for each and every offence;

Excavations to be filled compactly.

Penalty.

Offenders to
comply with
this section.

and in addition to said fine, said person or persons, or corporation, shall immediately proceed to comply with the provisions of this section.

Street Franchises.

Ord. 32, April 4, 1882. City Code, (1893) Art. 48, Sec. 111.

Penalty for
failure to
keep in re-
pair or to re-
store or re-
place surface
of streets, etc.

114. Any person or corporation upon whom the obligation may be imposed by any law or ordinance, to keep in repair any part of any of the streets, lanes or alleys within the city, or to replace and restore in proper order and condition the bed or surface of any street, lane or alley, or any portion thereof which such person or corporation may, for any purpose, be licensed or permitted to dig up, displace or remove, and who shall refuse or neglect to make such repairs, replacement or restoration, within three days after having been notified in writing by the City Engineer to make such repairs, or to replace and restore in proper order and condition the bed or surface of such street, lane or alley, shall forfeit and pay the sum of twenty dollars for each and every case of such refusal or neglect.**

Ord. 32, April 4, 1882. City Code, (1893) Art. 48, Sec. 112.

City Engineer
may make
repairs at
cost of party
bound there-
for.

115. Whenever any person or corporation, whose duty it shall be to keep in repair any part of any of the streets, lanes or alleys within the city or to replace and restore in proper order and condition the bed or surface of any street, lane or alley which such person or corporation may be licensed or permitted to dig up, displace or remove, shall neglect said duty after being notified in writing by the City Engineer, as provided in the next preceding

****NOTE.**—A street railway is not liable for injuries resulting from not keeping two feet of street on either side of track in repair, if the ordinance granting the right to lay tracks on the particular street where injury resulted did not impose such obligation on the company as to the particular street. The company's liability is measured by the agreement of its acceptance of the grant. *McCarthy v. Citizens' Railway Co.*, Daily Record, April 29, 1889.

section, and it shall appear to the City Engineer that the condition of such street, lane or alley is attended with possible danger to persons passing over or using the same, it shall be the duty of the City Engineer forthwith to make such repairs as may be necessary, and when completed, to collect the cost of making the same from the person or corporation through whose default or neglect the same may become necessary, and for said purpose he may, with the approval of the Mayor, cause suit to be instituted in the name of the Mayor and City Council of Baltimore, against such person or corporation.

Protection of Street Surface.

Ord. 91, June 13, 1898. City Code, (1893) Art. 48, Sec. 157 I.

116. It shall not be lawful for any person, firm, or corporation to mix mortar, or to cause mortar to be mixed on any sheet asphalt, block asphalt or any improved pavement on any street, lane or alley in the city, unless the said pavement is protected by a platform constructed to the satisfaction of the City Engineer; nor shall it be lawful for any person, firm or corporation to make any fire or cause any fire to be made on any sheet asphalt, block asphalt or any improved or cobble-stone pavement on any street, lane or alley in the city; nor shall it be lawful for any person, firm or corporation to cause or permit kerosene, coal oil, naphtha, benzine or any other oil or lubricating or illuminating fluid to fall or flow on or over any sheet asphalt, block asphalt, or other bituminous pavement on any street, lane or alley in the city; nor shall it be lawful for any oil tank wagon or other vehicle conveying oil to pass on any sheet asphalt, block asphalt or other bituminous pavement on any street, lane or alley in the city, unless there is a pan to catch the drip of the spigot or spigots or other device or devices for drawing, measuring or delivering oil; nor shall it be lawful to place any stick, trestle or other supporting device bearing any weight whatsoever for any purpose upon any sheet asphalt, block asphalt or other bituminous pavement on any street, lane or alley in the city, unless the said stick, trestle or other

Mortar not to be mixed on sheet asphalt or improved pavements.

Fires on pavements for bidden.

Kerosene or other oils not to run over such pavements.

Oil tank wagons to have drip pans.

Trestles, etc., minimum area on asphalt.

supporting device shall have a flat base resting upon the pavement of not less than 144 square inches, under a penalty not exceeding ten dollars for each and every offence.

Penalty.

Destruction of Embankments, etc.

City Code, (1879) Art. 47, Sec. 80. City Code, (1893) Art. 48, Sec. 81.

117. If any person or persons shall cut, break, dig down, injure or destroy any abutment, bank, mound or other public work erected or constructed by or under the orders of the City Engineer, every person so offending shall forfeit and pay a sum not exceeding two hundred dollars, and moreover, shall be liable to pay the expense of repairing the injury.

Penalty for injury to public work.

118. All fines and penalties incurred by the violation of any of the provisions of this Article, shall be recovered as other fines and penalties imposed by ordinance are recoverable (unless a different provision in a particular case is made herein), and when recovered shall be paid to the Comptroller.

Recovery of fines and penalties imposed by this Article.

ARTICLE XXXVI.

STREET CLEANING.

ORDINANCES.

Commissioner of Street Cleaning.*Bond.*

1. To be conditioned for faithful performance of his duties.

Duties, Power, Authority.

2. Duties of said commissioner; to clean streets and sewers; collect and remove garbage, ashes and refuse; remove snow and ice from gutters and crossings and from streets in markets; to control district superintendents; said superintendents to make daily reports to said commissioner.
3. To supervise district superintendents; to make circuit of observation once every week.
4. To contract for removal of garbage, ashes, etc.
5. Modification of contracts for removal of garbage, dead animals and refuse, authorized; proviso.

Flushing Streets.

6. May use water from fire plugs in flushing gutters and inlets to sewers.
7. To flush Baltimore street between Paca and Harrison streets when necessary; when work to be done.

Restoration of Streets.

8. Penalty for failure to restore streets after digging up same for any purpose, and after notice from said commissioner.

Removal of Garbage.

9. Housekeepers to have garbage and ashes placed in separate vessels and delivered to garbage men so separated; what substances to be regarded as garbage; penalty for neglect of provisions of this section after notice.

Garbage Boxes.

10. Private persons may place boxes at street corners; said commissioner to determine location and form of such boxes.
11. Removal of dead animals from streets; requirements for wagons for such service.
12. Requirements for garbage carts.

Street Manure.

13. Not to be removed or carried away without authority of said commissioner.

District Superintendent of Streets.*Districts.*

14. To divide city into seven districts.

Duties.

15. Duties of said district superintendents.
16. To distribute the street cleaning forces and superintend their work; men to work eight hours per day; to make reports to said commissioner every Monday; contents of report; not to employ greater force than necessary; said commissioner to designate

one of his clerks as paymaster; bond of such clerk.

17. To execute orders of said commissioner; to give notice to Mayor of offences against health and cleanliness of city.
18. To remove filth and offal from markets on Sundays.

Fines and Penalties

19. How to be recovered and accounted for.

COMMISSIONER OF STREET CLEANING.*Bond.*

Ord. 6, February 21, 1882. City Code, (1893) Art. 48, Sec. 185. Ord. 21, March 9, 1896.

Bond in sum of \$5,000.

1. The Commissioner of Street Cleaning, before entering upon the duties of his office, shall give a good and sufficient bond, with security to be approved by the Mayor, in the penal sum of five thousand dollars, to the Mayor and City Council of Baltimore, conditioned for the faithful performance of his duties.

Duties, Power, Authority.

Ord. 6, February 21, 1882. Ord. 21, April 21, 1887. City Code, (1893) Art. 48, Sec. 187.

Duties of.

2. The Commissioner of Street Cleaning shall have exclusive charge of the cleaning of the public streets, lanes and alleys, as well as the cleaning of the sewers, the cleaning of the latter to be under the direction of the City Engineer, and he shall have charge of the collection and removal of ashes, garbage, street and household refuse in the city of Baltimore. He shall have and exercise all the powers, and perform all the duties heretofore performed by the Health Department in relation to the collection, sale and removal of ashes, garbage, street offal and refuse of the cleaning of the public streets, lanes and alleys, the

To have charge of removal of garbage.

cleaning away of ice and snow from the gutters and crossings of the same, from the front of the public schools, public buildings and from the bridges and public wharves belonging to the city, the footways of the city and the footways of the city plazas and squares; and he shall as soon as practicable after the fall of any snow, remove the same from all the streets of the city within the limits as fixed by ordinance of the several markets, and all such snow shall be removed from the limits of each of said markets, respectively, before the morning of the market days of said markets; provided the snow has ceased to fall by twelve o'clock noon of the day preceding said market day. The several district superintendents and all persons employed under them, or in the collection and removal of ashes and garbage, shall act under the superintendence and control of the Commissioner of Street Cleaning, and shall execute the orders of the Commissioner of Street Cleaning and shall make and present to him their daily reports and accounts; and the Commissioner of Street Cleaning shall examine and audit the daily reports and accounts of said district superintendents.

To remove
snow from
streets in
markets.

To control dis-
trict superin-
tendents.

Daily reports
to be made by
superintend-
ents.

Audit of same

City Code, (1879) Art. 23, Sec. 118. City Code, (1893) Art. 48, Sec. 218.

3. It shall be the duty of the Commissioner of Street Cleaning, in addition to such other duties as are embraced in this Article, to superintend the district superintendents in all matters that relate to their operations and efficiency. In the discharge of such special service, he shall make a circuit of observation in relation to the condition of the streets, lanes and alleys, at least once in every week, to every part of the city, and give instructions to the district superintendents in relation to their duties.

Commissioner
to supervise
superintend-
ents.

Removal of Garbage and Refuse.

City Code, (1879) Art. 23, Sec. 103. Ord. 67, May 9, 1888. City Code, (1893) Art. 23, Sec. 124. Ord. 36, December 18, 1903. Ord. 155, November 22, 1904.

4. The Commissioner of Street Cleaning is authorized to contract with such person or persons or body corporate

Contracts for
the removal
of garbage.

as may be awarded the contract by the Board of Awards, for the collection, removal and disposition of all garbage, dead animals, cinders, ashes and miscellaneous refuse from the public markets, commission houses, stores, churches, schools, hotels, apartment houses, office buildings, tenements, dwellings and houses of Baltimore city, including pea hulls, fruit parings, tomato skins and all other kinds of fruit and vegetable refuse from canning houses subject to all the terms, conditions, regulations and restrictions embodied in Ordinance No. 155, approved November 22, 1904.

Ord. 163, June 20, 1906.

Modification of
contracts for
removal of
garbage,
dead animals
and refuse
authorized.

5. The Mayor is authorized to enter into an agreement with the Baltimore Sanitary Contracting Company modifying the contract dated April 17, 1902, between the city and Frederick W. Feldner and subsequently assigned to the said Baltimore Sanitary Contracting Company, providing for the collection and disposal of garbage, dead animals, miscellaneous refuse and ashes, and the contract dated December 15, 1904, between the city and said Baltimore Sanitary Contracting Company providing for the collection and disposal of dead horses, cows, miscellaneous refuse, and ashes other than coal and wood ashes, in the manner and form and under the terms, conditions, regulations and restrictions as prescribed in Ordinance No. 163, approved June 20, 1906; *provided*, that nothing contained in this section or in the agreement proposed to be executed hereunder, shall be construed as a legal recognition of said contract of April 17, 1902, referred to in this section, or as a waiver of any rights which the city may have under said alleged contract, or under said contract, of December 15, 1904.

Proviso.

Flushing Streets.

Ord. 102, May 11, 1880. City Code, (1893) Art. 48, Sec. 201.

Flushing gut-
ters and in-
lets to
sewers.

6. The Commissioner of Street Cleaning is empowered to use the water from fire plugs, in order to flush the gutters and inlets to sewers after the removal of dirt from said gutters and inlets.

Res. 55, March 24, 1890. City Code, (1893) Art. 48, Sec. 220.

7. The Commissioner of Street Cleaning is authorized and directed to have Baltimore street, from Paca street to Harrison street, cleaned by flushing the same with water from the city plugs located along the line of said street, whenever the said street becomes wet and muddy, and in his judgment, not in condition to be properly cleaned by the usual method now employed; said work to be done by the employes of his department employed at present for regular street cleaning; such work to be done between the hours of 11.30 P. M. and 5 A. M.

Flushing of
Baltimore
street.

Restoration of Streets.

City Code, (1879) Art. 23, Sec. 52. City Code, (1893) Art. 48, Sec. 219.

8. The gas companies, railroad companies, as well as all other corporations and individuals, who may have or may hereafter receive permission to dig up or disturb any of the paved streets, lanes or alleys of the city, for the purpose of laying pipes of any kind, or constructing wells, ditches, drains or tunnels, or for the purpose of laying or relaying railroad tracks or repairing the same, shall be, and they are hereby, required within two weeks after said streets, lanes or alleys have been repaved, to clean and remove the dirt therefrom, and upon a failure or refusal to do so, after five days' notice from the Commissioner of Street Cleaning, such corporations, companies or individuals so failing or refusing, shall suffer a fine or penalty of not less than twenty nor more than fifty dollars for each and every neglect or refusal to comply as aforesaid.

Restoration of
streets dug
up by corpo-
rations or
individuals.

REMOVAL OF GARBAGE.

City Code, (1879) Art. 23, Sec. 92. City Code, (1893) Art. 48, Sec. 189.

9. It shall be the duty of all housekeepers to have placed in a vessel or vessels, not exceeding in capacity one bushel each, near their premises or some convenient place of access, at such time as said carts may pass, all vegetable or kitchen offal, and separately in a similar vessel, all coal

Duty of house-
keepers.

or other ashes, and to deliver, or cause them to be delivered to the garbage man so separated; and it is hereby expressly ordained that no other substances than those mentioned in this section shall be regarded as garbage, under a penalty of one dollar for each offence; and any person or persons neglecting or refusing to comply with any of the provisions of this section, after having first been notified in writing by the Commissioner of Street Cleaning, shall forfeit and pay one dollar for each and every neglect or refusal.

Garbage Boxes.

Ord. 10, December 9, 1897. Ord. 61, Annual Session, 1897-1898*.

Private persons
permitted to
place boxes
at street
corners.

10. Private persons may be permitted to place boxes at street corners as receptacles for waste material or rubbish; the same to be done under the supervision of the Commissioner of Street Cleaning, who shall decide on the localities where such boxes shall be placed, and the quality and form of the boxes to be so provided.

City Code, (1879) Art. 23, Sec. 96. City Code, (1893) Art. 48, Sec. 193.

Removal of
dead animals.

11. The Commissioner of Street Cleaning is authorized to have dead animals lying in the streets removed, and to cause the vehicles used in their removal from the streets and station houses to be so constructed as to have wooden covers and to be kept locked, or to be covered with oil cloth, as they pass through the streets, as in his judgment may be deemed most advisable.

City Code, (1879) Art. 23, Sec. 97. City Code, (1893) Art. 48, Sec. 194.

Carts, how to
be covered.

12. All carts employed by the city for the collection of offal and coal and other ashes, shall be covered with heavy canvas or other substantial material, so as to prevent dust or effluvia from escaping from such carts while being driven along the streets of the city.

*NOTE.—This ordinance became law by limitation.

Street Manure.

City Code, (1879) Art. 23, Sec. 100. City Code, (1893) Art. 48, Sec. 203.

13. No person shall remove or carry away any manure or dirt out of any paved street, lane or alley within the city, unless by the authority of the Commissioner of Street Cleaning, except manure or dirt which they themselves may have temporarily deposited thereon, and every person offending herein, shall forfeit and pay the sum of three dollars for each and every load of manure or dirt so removed or carried away, and in proportion for any less quantity.

Removal of
manure and
dirt.

DISTRICT SUPERINTENDENTS OF STREETS.*Districts.*

Ord. 19, March 1, 1881. Ord. 87, June 19, 1888. City Code, (1893)
Art. 48, Sec. 207. Ord. 37, March 9, 1896.

14. In order more effectually to secure the keeping of the several streets, lanes and alleys properly cleaned, and to preserve the health of the city, and in view of the very large increase within the past few years of the surface of the paved streets, lanes and alleys, the said Commissioner of Street Cleaning is hereby directed to divide the city into seven (7) districts, as equally as may be, with a due regard for the surface of said paved streets, lanes and alleys.

City divided
into seven
districts.

Duties.

Ord. 95, May 18, 1881. City Code, (1893) Art. 48, Sec. 208.

15. The districts laid off according to the next preceding section shall be under the control of such district superintendents as the Commissioner of Street Cleaning shall appoint, who shall act as agents of the corporation, and shall, under the supervision of the Commissioner of Street Cleaning, clean the public streets, lanes and alleys of the city, and remove the ice and snow from the gutters and crossings of the streets, lanes and alleys; and also the snow and ice from the fronts of the public schools and of all public buildings and school yards, occupied and owned by the city, and the footways and bridges, including the public wharves belonging to, and in the occupancy of, the corporation; and also all the footways of the city plazas and squares.

District super-
intendents,
appointment
and duties.

City Code, (1879) Art. 23, Sec. 109. City Code, (1893) Art. 48, Sec. 209.
Ord. 28, November 25, 1905.

To distribute
the street-
cleaning
force and
superintend
their work.

16. It shall be the duty of the said district superintendents to superintend the working and proper distribution of the men, horses and carts, to the best advantage for cleaning the streets, lanes and alleys; and also to keep the number of men, horses and carts specified in the respective districts, diligently employed in removing street dirt and manure from the streets, lanes and alleys (unless otherwise employed or suspended from employment by the direction of the Commissioner of Street Cleaning) at least eight hours in each and every day, (Sundays excepted); and it shall be the duty of the said superintendents, on Monday morning of each week, to make a full report in writing, under oath, to the Commissioner of Street Cleaning, which report shall state the number of men, horses, carts and implements kept by them respectively at work during the week previous, for the benefit of the city; the number of loads of street dirt and manure removed and sold, and the amount of money received therefor, and also the locations in their respective districts, where the men, horses and carts were engaged; and they shall at no time employ more men, horses and carts than are absolutely necessary for the performance of the duties required of them; and the Commissioner of Street Cleaning is hereby authorized and directed to designate one of the clerks in his employ, who in addition to the duties now being performed by him, shall hereafter act as paymaster, upon giving a bond to the Mayor and City Council of Baltimore for the faithful performance of his duties as such paymaster in the sum of five thousand dollars (\$5,000), with a surety or sureties to be approved by the Mayor, and shall pay to such persons as may be entitled to receive the same, as shown by the reports of the Superintendents of Street Cleaning, such sums of money weekly as may be necessary to pay for the labor of removing said street dirt, manure and offal.

Men to work
eight hours
per day.

Reports to
Commission-
er of Street
Cleaning.

Contents there-
of.

Appointment
of one of
clerks as
paymaster.

Bond.

To act as pay-
master of
sub-depart-
ment.

City Code, (1879) Art. 23, Sec. 111. City Code, (1893) Art. 48, Sec. 211.

17. The district superintendents shall execute all orders pertaining to their duties and office, which they may receive from the Commissioner of Street Cleaning, and shall give immediate notice to the Mayor of all offences committed against the ordinances and laws enacted for the preservation of the health and cleanliness of the city.

To execute orders of Commissioner of Street Cleaning.

City Code, (1879) Art. 23, Sec. 113. City Code, (1893) Art. 48, Sec. 213.

18. It shall be the duty of the district superintendents, every Sunday morning, at or before sunrise, to have the filth and offal accumulated at the different market houses where market is held on Saturday evenings, removed.

Removal of offal from markets every Sunday.

FINES AND PENALTIES.

19. All fines and penalties incurred by the violation of any of the provisions of this Article shall be recovered as other fines and penalties imposed by ordinance are recoverable, and when collected shall be paid to the Comptroller.

How to be recovered and accounted for.

ARTICLE XXXVII.

CITY SURVEYOR.

ORDINANCES.

Bond.

1. Bond to be conditioned for faithful performance of duties and return of all records when called for by Mayor.

Duties.

2. To perform service as surveyor when required so to by City

- Engineer; compensation for such services; collection of compensation.
3. To serve as surveyor to Commissioners for Opening Streets; compensation.
4. To perform other acts and duties required by ordinance; compensation therefor.

Compensation for Services.

5. Table of fees and charges; surveying lot; plat of same; when more than one lot adjoining; plats of same; for giving street line; establishing grade of street; profile of same; paving plat; condemnation and benefit plats;

damage plats; proviso as to streets on Poppleton's plat.

Office and Records.

6. Surveyor to keep record of notes, plats, etc.
7. Certain municipal officials to inspect such records; inspection by general public subject to certain restrictions.

BOND.

City Code, (1879) Art. 48, Sec. 8. City Code, (1893) Art. 49, Sec. 8.

1. Before entering upon the duties of his office, the City Surveyor shall give bond with security, in the sum of five thousand dollars, conditioned for the faithful performance of his duties as City Surveyor, and for the return to the Comptroller of the city of all memoranda, field notes, plats, copies of plats and records, made by him as City Surveyor, or which may have been committed to his charge, whenever the same shall be required of him by the Mayor or by the Comptroller, under the orders of the Mayor.

Bond

DUTIES.

City Code, (1879) Art. 48, Sec. 2. City Code, (1893) Art. 49, Sec. 2.

2. Whenever the City Engineer shall, in pursuance of the several duties required to be performed by him, under the provisions of the several ordinances of the city of Baltimore, contained in Article 35 of this Code, title, "Streets and City Engineer", or of any other ordinance which may hereafter be passed, regulating the duties of said City Engineer, require the services of a surveyor, it shall be the duty of the City Surveyor, to do and perform all such acts appertaining to the business of a surveyor, as may be reasonably required of him by the City Engineer, for which services he shall be entitled to and shall receive compensation as fixed in the table of rates contained in section 5 of this Article, and which compensation shall be collected in the manner now provided for in the several

To perform certain duties to be directed by City Engineer.

ordinances hereinbefore referred to, or which may hereafter be passed by the Mayor and City Council of Baltimore.

City Code, (1879) Art. 48, Sec. 3. City Code, (1893) Art. 49, Sec. 3.

3. Whenever the Commissioners for Opening Streets shall proceed to perform the several duties imposed upon them by virtue of the provisions of the City Charter or other laws, and the provisions of the several ordinances of the Mayor and City Council of Baltimore, contained in Article 35, title, "Streets and City Engineer", or such other ordinances as may be passed from time to time, which may require the services of a surveyor, it shall be their duty and they are hereby required to notify the City Surveyor thereof; and it shall be the duty of the City Surveyor to do and perform all such work as may be required by the said Commissioners for Opening Streets in the discharge of their several duties, and for such work or services so performed he shall be entitled to and shall receive compensation agreeably to the rates established by the table hereinbefore mentioned, to be assessed and collected in the manner prescribed by law or by ordinances of the Mayor and City Council of Baltimore.

Further duties.

City Code, (1879) Art. 48, Sec. 4. City Code, (1893) Art. 49, Sec. 4.

4. It shall be the duty of the City Surveyor to do and perform all other acts and things appertaining to the business of a surveyor, which may be required by virtue of any ordinance or resolution of the Mayor and City Council of Baltimore requiring the services of a surveyor, which are now in force or which may be hereafter passed, upon due notice to be given to him whenever said services are needed, and he shall receive compensation agreeably to the rates in the table hereinafter given or which may now or hereafter be specially prescribed by law or by ordinances of the Mayor and City Council of Baltimore.

To comply with requirements of ordinances.

COMPENSATION FOR SERVICES.

City Code, (1879) Art. 48, Sec. 5. City Code, (1893) Art. 49, Sec. 5.

5. The compensation for the duties performed by the City Surveyor under this Article shall be as fixed by the following table, viz :

Fees and charges.

For surveying and establishing the lines of a lot, eight dollars.

For a plat of the same, three dollars.

For surveying and establishing from two to ten adjoining lots, each five dollars.

For a plat of the same, each two dollars.

For giving the line of a street in front of a building, five dollars.

For establishing the grade of any street, one square, five dollars.

For all over one square, each three dollars.

For profile of same, for each square, five dollars.

For paving plat, each square, five dollars.

For condemnation and benefit plats furnished to the Commissioners for Opening Streets, the rates shall be as follows :

For a distance as shown on the benefit plat not exceeding two squares, for every front foot ordered, five cents.

For a distance, as above, more than two and not exceeding four squares, for every front foot ordered, three cents.

For a distance, as above, exceeding four squares, for every front foot ordered, two cents.

For the damage plat he shall be allowed for his own services ten dollars per day while engaged on it, and also an additional allowance of two dollars and fifty cents per day for each assistant; provided, that in opening any street designated on Poppleton's plat, there shall not be allowed (on said damage plat) more than one day to each square to said Surveyor and his assistants, unless the bed of the street to be opened be obstructed by improvements.

OFFICE AND RECORDS.

City Code, (1879) Art. 48, Sec. 6. City Code, (1893) Art. 49, Sec. 6.

6. There shall be provided for the use of the City Surveyor, an office, which shall be known and designated as the "City Surveyor's Office;" and the said City Surveyor shall be required to have all memoranda, field notes and plats taken and made by virtue of this Article, and such as may be committed to his charge by any of the city officers,

To keep a record of notes, plats, etc.

carefully filed and preserved in said office for the use of the city, whose property they are hereby declared to be ; and it shall be the duty of the City Surveyor to report semi-annually (in January and July) to the Mayor what field notes (so termed) and plats are in his possession belonging to the city. He shall also keep in his office a record of all establishments made by him.

To keep a record of grade establishments.

City Code, (1879) Art. 48, Sec. 7. City Code, (1893) Art. 49, Sec. 7.

7. All records, memoranda, plats and field notes herein mentioned shall at all times be subject to the inspection and examination of the Mayor, the members of the City Council, the City Engineer, the Commissioners for Opening Streets, the City Solicitor and his assistants, the Comptroller and the City Register; but every other person, after the expiration of twelve months from the time of the deposit of any record, memoranda or plats in said office for such inspection, shall pay to the City Surveyor, for the use of the city, the sum of twelve and a half cents; and it shall be the duty of the City Surveyor to furnish a copy of any record in his office to any person requiring the same, on the payment of ten cents for every one hundred words embraced in such copy.

Inspection of his records.

ARTICLE XXXVIII.

TAXES.

ORDINANCES.

Appeal Tax Court.*Assessors and Clerical Force.*

1. Bond of members of Court; Court to appoint ten assessors; duties of assessors; salaries; clerk; special assessors; all assessors to take oath of office; bond.
2. Assistant clerk; salary; writ, transfer and notice clerk; salary; stenographer and messenger; salary; clerk to special assessors; salary; all appointees to take oath of office and give bond.

Office Hours.

3. Clerks to remain at office from nine until three.

Assessments, Abatements and Errors.

4. When Court may abate assessments; City Collector to close said accounts; amount due to be charged to suspended accounts.
5. Refunding taxes paid in error; limitation on refunding; Court to keep list of claims for taxes; proof necessary for abatement of claim.
6. Correction of errors in assessment; deductions for loss of property; transfers of property.

7. Exemption of manufacturing plants; in what cases and how to be allowed; when not to be allowed; application for abatement or exemption; reassessment upon application for abatement; applicant to make oath that all property is assessed; statements in application to be *bona fide*; application to be renewed each year.

8. All arrears of taxes to be paid before exemption granted.

9. Receipted tax bills to accompany application for abatement.

New Improvements.

10. Court to assess same by October 1st of every year; when to be deemed finished.

Provisoos.

11. No abatement of taxes on real estate.
12. No city tax on city stock.

Reports.

13. Court to make monthly report to Mayor and City Council; what report shall show.

Abatements.

14. Reports by assistants to chief assessor of new assessments; chief assessor to be present at hearing on new assessments; notice to such assessor of hearings; opinion of chief assessor.

15. Office of board of assessors; City Librarian to furnish stationery to board.
16. Powers of Bailiffs appointed by City Collector.

Permits to Erect Buildings.

17. Must be obtained from Appeal Tax Court.
18. Special permits granted by city to be endorsed by Court.
19. Penalty for building without permit.
20. Full description of premises and improvements contemplated to be filed with application to Court for permit.
21. Court to keep record of permits issued; to advertise applications therefor; applicant for permit to provide for drainage.

City Collector.

22. His bond; by whom to be approved; duties under bond.

Subordinates.

23. Salary of City Collector; to appoint deputy collector; duties and salary of deputy; cashier; salary; book-keeper; salary; general cash book-keeper; salary; sixteen ledger clerks; salaries; piece clerk; salary; chief clerk; his duties; salary; City Collector responsible for his subordinates under his bond.
24. Compensation of bailiffs.

Accounts and Records.

25. Entries in books; ledger accounts.

26. Daily deposits in bank of moneys collected, to be made by City Collector; how drawn when City Collector dies, resigns or is removed.

Collection of Annual Levy.

27. To separate real from personal taxes in bills.

Sales for Taxes.

28. Leasehold and fee simple to be distinguished in sales made for taxes; proviso where amount received for leasehold is insufficient; not to apply where records do not show existence of lease.

Sales for Paving Assessments.

29. City Collector to deliver bills for assessments to cover costs of repairing or repaving footways and to collect same.
30. City Collector to publish list of property sold for taxes; what such list shall show; City Collector to keep record of lists; same to be open to public.
31. City Solicitor to certify who is real owner of property sold for non-payment of taxes, etc.; no payments to be made by City Collector or City Register until certificate is received from City Solicitor.
32. Compensation of Collector of State Taxes.

Comptroller.

Damages in Opening Streets.

33. Payment of damages to be withheld until taxes are paid.
34. Comptroller to furnish Court list of property condemned and taken by city.

Tax Sales.

- 35. Procedure when city buys property at tax sale ; ratification of sale; City Collector to execute deed of such property to city.
- 36. Said deed to be recorded in office of Comptroller and among land records of city.
- 37. Comptroller to sell such property sixty days after receiv-

ing deed ; manner of sale ; notice to former owner ; deed to purchaser ; private sale to be advertised ; practice when objections to such sale are filed.

- 38. Comptroller to report to Court sales made by him.
- 39. Recovery of fines and penalties imposed hereunder.

APPEAL TAX COURT.

Assessors and Clerical Force.

City Code, (1879) Art. 49, Secs. 1, 2. Ord. 18, April 2, 1879. Ord. 85, June 19, 1888. Ord. 165, October 24, 1890. City Code, (1893) Art. 50, Secs. 1, 2, 2A and 2B. Ord. 63, March 28, 1893. Ord. 19, March 14, 1894. Ord. 98, May 18, 1894. Ord. 24, March 9, 1896. Ord. 89, June 10, 1898. Ord. 25, December 29, 1899. Ord. 113, March 20, 1901. Ord. 131, August 15, 1904. Ord. 232, March 24, 1905. Ord. 64, January 25, 1906.

Bond of members.

To appoint ten assessors.

Salaries of assessors.

Special assessors.

1. The members of the Appeal Tax Court shall each give bond for the faithful discharge of his duties in such penalty and with such security as the Mayor may approve, and they are hereby authorized to appoint ten discreet and competent persons as assessors, whose duty it shall be to value for assessment all taxable property in Baltimore city. They shall designate one of said assessors to be chief assessor, and two others to be assistants to the chief assessor. The chief assessor shall receive a salary of twenty-four hundred dollars (\$2,400) per annum payable semi-monthly, and each of said assistants shall receive a salary of fourteen hundred dollars (\$1,400) per annum, payable semi-monthly. Each of the other seven assessors shall receive a salary of twelve hundred dollars (\$1,200) per annum, payable semi-monthly, and one of them may be designated by the Appeal Tax Court to act as clerk to the said assessors without additional compensation. The Appeal Tax Court is likewise authorized to appoint two

special assessors (who shall have expert knowledge in the valuation of real estate) for the purpose of re-assessing real estate in the city of Baltimore, and each of said two special assessors shall receive a salary of twenty-two hundred dollars (\$2,200) per annum, payable semi-monthly. All the assessors and special assessors herein provided for shall take the oath prescribed by law and give bond for the faithful performance of their duties in such penalty and with such security as the Appeal Tax Court may determine, and shall perform, under the general supervision, direction and control of the Court, the duties hereinbefore specified and also such other duties as may be assigned to them by the said Court.

Assessors to
take oath of
office.

Monticello Dist. Co. v. Balto., 90 Md. 429.

Ord. 64, January 25, 1906.

2. The Appeal Tax Court is authorized to appoint an assistant clerk, who shall act as one of the clerks of the Court, and who shall receive a salary of sixteen hundred dollars (\$1,600) per annum, payable semi-monthly; a clerk who shall be known as the writ, transfer and notice clerk, and who shall receive a salary of twelve hundred dollars (\$1,200) per annum, payable semi-monthly; a clerk who shall be a stenographer and typewriter and act as messenger to the Court, and who shall receive a salary of one thousand dollars (\$1,000) per annum, payable semi-monthly; and a clerk to the special assessors mentioned in the next preceding section of this Article, who shall receive a salary of twelve hundred dollars (\$1,200) per annum, payable semi-monthly. All of the appointees mentioned in this section shall take the oath prescribed by law and shall give bond for the faithful performance of their duties in such penalty and with such security as the Appeal Tax Court may determine, and shall perform, under the general supervision, direction and control of the Court, the duties hereinbefore indicated and also such other duties as may be assigned to them by the said Court.

Appointment
of clerks.

All appointees
to take the
oath of office.

Robinson v. Balto. City, 93 Md. 208.

Office Hours.

City Code, (1879) Art. 49, Sec. 3. City Code, (1893) Art. 50, Sec. 4.

Office hours of
Court.

3. The clerks of the Appeal Tax Court shall meet at their offices daily at nine o'clock A. M., and remain until three o'clock P. M., to attend to the duties required of them.

Assessments, Abatements and Errors.

City Code, (1879) Art. 49, Sec. 8. City Code, (1893) Art. 50, Sec. 9.

Appeal Tax
Court may
abate assess-
ments.

4. The Appeal Tax Court is authorized to abate assessments on the books whenever the City Collector shall on his affidavit declare that in his judgment and opinion the taxes so reported cannot be collected; or, upon other satisfactory evidence, the Appeal Tax Court shall direct the City Collector to close up said accounts on his books. And the said City Collector may present to the Appeal Tax Court any account on his books, the collection of which, in his opinion, is deemed doubtful, and upon the declaration of the City Collector that diligent inquiry has been made in reference to such account, the Appeal Tax Court shall direct the amount to be charged to suspended accounts for the year in which said taxes were due; and the Appeal Tax Court may give such directions as may be deemed best calculated to secure the payment of any or all such accounts, and so much thereof as may be collected, shall be credited on the suspended accounts.

City Code, (1879) Art. 49, Sec. 9. City Code, (1893) Art. 50, Sec. 10.

Refunding
taxes paid in
error.

5. It shall be the duty of the Appeal Tax Court to examine into all claims for a return of taxes alleged to have been paid in error, and if upon examination by the Appeal Tax Court, it shall clearly appear that such claim or claims is or are well founded and that such taxes have been paid erroneously, the court may direct the City Collector by order or orders in writing to refund or repay the same, and shall reject all such claims as may be considered doubtful or not well founded; provided not more than four

years have elapsed from the first day of May in the year Limitation.
 in which the levy was made for said taxes to the time
 application is made for the refunding of the same. And
 the Appeal Tax Court shall keep a correct list or account List of claims.
 of all claims for taxes presented to or examined by said
 court, which shall contain the name or names of the person
 or persons presenting such claims, and the amount of each,
 including those rejected, and upon the representation of
 any taxpayer that he or she has paid the taxes for which
 the collector has demanded payment, the Appeal Tax Court
 is hereby authorized to investigate the case; if the party
 shall declare his or her receipt has been destroyed or lost,
 and undoubted proof or satisfactory evidence is given Abatement.
 that the said bill has been paid, the claim shall be abated.

City Code, (1879) Art. 49, Sec. 10. City Code, (1893) Art. 50, Sec. 11.

6. The Appeal Tax Court may correct errors discovered Correction of errors.
 on the assessment books in the description of property, in
 the ownership of property, and errors in calculations and may
 make deductions in whole or in part, in cases of loss by
 fire or of perishable property, where satisfactory evidence
 of such loss is given. The Appeal Tax Court may make
 transfers of property, if the taxes are paid up to and The Court to make transfers.
 including the year in which the transfer is proposed to be
 made.**

Ord. 7, February 8, 1881. Ord. 71, April 5, 1893. City Code, (1893)
 Art. 50, Sec. 71.

7. The Appeal Tax Court is authorized and directed,
 upon the application, as hereinafter provided, of any Exemption of manufacturing plant.
 individual, firm or corporation, actually engaged in the
 business of manufacturing articles of commerce in the city
 of Baltimore, to abate any and all personal taxes which may
 be levied hereafter by authority of the Mayor and City
 Council of Baltimore for any of the corporate uses thereof,
 upon any mechanical tools or implements, whether worked
 by hand or by steam, or other motive power, or upon any

**See note to sec. 170, Charter, *ante*, referring to the case of Hoffman
 v. Sams, Daily Record, January 10, 1905.

In what cases
and how to
be allowed.

When not to be
allowed.

Applicant to
make oath
that all prop-
erty is
assessed.

machinery or manufacturing apparatus owned by such individual, firm or corporation, and actually employed and used in the business of manufacturing articles of commerce in the said city; provided, that this section shall not be construed as exempting any manufacturing apparatus, tools or machinery used in the manufacture or generation of illuminating or other gas, or any manufacturing apparatus, tools or machinery used in generating or producing electric light or electricity to be used as motive power, or for any other purpose, or any manufacturing apparatus, tools, type or machinery used in the preparation, printing or issuing by the printers or publishers thereof, of any daily journal or other periodical publication; and provided, that every such application for an abatement of taxes in any year shall have been made before the annual revision and correction of the tax lists for said year, which the Appeal Tax Court is by law required to make, shall be completed and returned to the City Collector. Whenever any such application is made, the property of such individual, firm or corporation, including the plant, tools or machinery, on which it is desired to secure an abatement, shall be examined and reassessed by one or more of the assessors of taxes, and a report made thereon in writing by such assessor or assessors to the Appeal Tax Court. And no application for an abatement of taxes under the provisions of this section shall be entertained by the Appeal Tax Court, unless the individual or individuals owning the plant, machinery or property on which an abatement is sought, if the property be owned by an individual, individuals or firm, or the president, managing director or general manager of the corporation owning the same, if the property on which the abatement is sought is owned by a corporation, shall under oath satisfy the Appeal Tax Court, that such individual, individuals or corporation, in whose behalf the application for the proposed abatement is being made, has or have assessed against it, him or them, all property belonging to it, him or them, properly liable to taxation; nor unless the Appeal Tax Court be satisfied that all the material statements made in applying for such

abatement, are true and *bona fide*, and that the abatement asked for is properly within the terms of this section; and it shall be necessary each year to make a new and separate application for the abatement of the personal taxes for municipal purposes on any plant, manufacturing apparatus, tools or machinery, if such exemption is desired for that year.

Statement to be *bona fide* and application to be renewed each year.

Consolidated Gas Co. *v.* Mayor, 62, Md. 588. Electric Light Co. *v.* Frederick City, 84 Md. 599.

Ord. 111, March 20, 1901.

8. Before the Appeal Tax Court grants an exemption from taxation of the machinery or manufacturing apparatus belonging to any individual, firm or corporation, actually engaged in the manufacture of articles of commerce, the said Court shall require said individual, firm or corporation to file with said application a receipted bill for all taxes due and unpaid upon the property of every kind and description belonging to said individual, firm or corporation.

All arrears of taxes to be paid before exemption granted.

Ord. 112, March 20, 1901.

9. The Appeal Tax Court of Baltimore City shall in every case require all persons, firms or corporations applying to said Court for an abatement of the assessed value of any real or personal property to produce to said Court a receipted bill for all taxes due upon said property for the years preceding the year in which such application is made.

Receipted bill for taxes for preceding years to accompany applications for abatements of taxes.

New Improvements.

Ord. 32, April 1, 1884. City Code, (1893) Art. 50, Sec. 21. Ord. 170, March 13, 1899.

10. The Appeal Tax Court is authorized and directed to have assessed, for taxable purposes, all new improvements finished on or before the first day of October of every year; the said improvements to be construed as finished, when plastering and inside wood-work are completed.

Court to assess those finished by October 1st of every year.

Hopkins *v.* VanWyck, 80 Md. 15, 17. See, Act 1894, ch. 165.

As to constitutionality of tax exemptions by municipal corporations, see, Wells *v.* Hyattsville, 77 Md. 125.

Provisos.

Ord. 7, February 8, 1881. City Code, (1893) Art. 50, Sec. 73.

Taxable real
estate to be
abated.

11. Nothing herein contained shall be construed to authorize any abatement of taxes levied upon property which is properly assessable and taxable as real estate.

City Code, (1879) Art. 49, Sec. 21. City Code, (1893) Art. 50, Sec. 23.

No city tax on
city stock.

12. The faith of the city is pledged, that no tax shall be levied or collected by the corporate authorities thereof on any stock debt of said city.

Reports.

Ord. 22, March 24, 1885. City Code, (1893) Art. 50, Sec. 20.

Monthly report
of their pro-
ceedings to
Mayor.

13. The Judges of the Appeal Tax Court are requested and required to submit, in writing, on the first Monday in each and every month, a full and detailed report to the Mayor and City Council of all their proceedings during the calendar month immediately preceding that in which said report is made; such report to contain an account of all exemptions and abatements made by said court during the period covered by such report and the reasons therefor; all changes in assessments of property, and any special circumstances governing the action of the court in that regard; all claims presented for the refunding of taxes paid in error, and the courts' decision thereon and the reasons therefor; and any and all other matters coming before said court for adjudication or direction, and their action thereon; each and all of said reports shall be delivered to the Mayor at the time provided in this section by the said judges, and shall be transmitted by the Mayor to the City Council at their first meeting thereafter.

Monticello Dist. Co. v. Balto., 90 Md. 429.

Abatements.

Ord. 63, March 28, 1893. City Code, (1893) Art. 50, Sec. 2C.

Reports from
assistants to
chief of new
assessments.

14. When all reports of all new or increased assessments shall be made by the other assessors, they shall

notify, in writing, the chief assessor of the fact, and it shall be the duty of such chief assessor to be present in the Appeal Tax Court when the valuation of any newly assessed property is determined, and also when all applications for abatements or modifications in assessments are heard by the Appeal Tax Court, and it shall be the duty of the Appeal Tax Court to give such chief assessor reasonable notice of the time when the valuation will be determined on any newly assessed property and also of the time of hearing all applications for abatements or modifications in assessments; and it shall also be the duty of the Appeal Tax Court to afford such chief assessor an opportunity to be heard on the propriety of the proposed valuation of such newly assessed property or of such proposed abatement or modification of any assessment.

Hearing of applications for abatements.

Ord. 63, March 28, 1893. City Code, (1893) Art. 50, Sec. 2D.

15. The Mayor shall assign some suitable room in the City Hall as the office of the board of assessors, and the City Librarian shall furnish to them, upon the requisition of the chief assessor, such books, blanks and stationery as may in the judgment of the chief assessor be necessary.

Office for board of assessors.

City Code, (1879) Art. 49, Sec. 14. Ord. 81, May 19, 1882. Supplement (1885) Art. 49, Sec. 14. City Code, (1893) Art. 50, Sec. 14. Ord. 12, November 20, 1899.

16. The bailiffs appointed by the City Collector shall have and exercise, under the direction of the Appeal Tax Court, all the powers of assessors, as provided in this Article, but for their services as assessors shall receive no additional compensation.

Powers of bailiffs.

PERMITS TO ERECT BUILDINGS.

City Code, (1879) Art. 49, Sec. 22. City Code, (1893) Art. 50, Sec. 24.

17. It shall not be lawful for any person, without a permit from the Appeal Tax Court, to erect within the limits of the city, any building upon a new foundation, whether in connection with an existing building or not, or

Must be obtained from Appeal Tax Court.

to pull down any old building or part of a building to the ground, and build upon the old foundation, or to put an additional story upon any building or part of a building by increasing the height of the walls; and any person or persons who may build within the city of Baltimore shall be required to take out a permit for each and every house he or they may purpose to build.

Bostock v. Sams, 95 Md. 400.

Res. 115, March 30, 1881. City Code, (1893) Art. 50, Sec. 25.

Permits granted by city to be endorsed by Appeal Tax Court.

18. All persons receiving permission for the erection of any special improvement from the Mayor and City Council of Baltimore shall, before commencing the erection of the same, obtain the endorsement of the Appeal Tax Court on said permit.

Bostock v. Sams, 95 Md. 400.

City Code, (1879) Art. 49, Sec. 23. City Code, (1893) Art. 50, Sec. 26.

Penalty.

19. Any person or persons offending against any of the provisions of the two next preceding sections shall be subject to a fine of not more than twenty dollars and not less than five dollars, and it shall be the duty of the bailiffs employed in the City Collector's office to attend to the collection of such fines.

Ords. 91 and 92, June 7, 1889. City Code, (1893) Art. 50, Sec. 27.

Description of improvements to be filed with Court.

20. Whenever application accompanied by the payment of the cost of the advertisement provided for in section 21, of this Article is made to the Appeal Tax Court for a permit or permits to erect any new building or buildings on any street or avenue of the width of fifty feet or more, the person or persons making such application shall be required, before such permit or permits shall be granted, to file with the Appeal Tax Court a plat accurately describing the piece or parcel of ground to be improved, giving the front and depth thereof, its distances from the nearest established corner of a street, lane or alley, and the number of improvements (if more than one) proposed to be erected

thereon; also an accurate description of the frontage, height, depth, material to be used in the proposed building or buildings and the general appearance and cost of same.

Bostock *v.* Sams, 95 Md. 407.

Ords. 91 and 92, June 7, 1889. City Code, (1893) Art. 50, Sec. 28.

21. It shall be the duty of the Appeal Tax Court to grant such permits on application, without charge, except as hereinbefore provided, and to keep a record of all permits issued; and provided further, that before any such permit shall be granted, at least ten days' notice by advertisement inserted in some daily newspaper shall be given by the Appeal Tax Court that application for such permit has been made. And before any permit shall be granted to erect any building or buildings within the limits of the city of Baltimore, the applicant shall first satisfactorily prove to the judges of the Appeal Tax Court that provision has been made for such drainage as the topography of the ground requires.

Advertisements of applications for permits.

Drainage.

Bostock *v.* Sams, 95 Md. 400.

CITY COLLECTOR.

City Code, (1879) Art. 49, Sec. 28. City Code, (1893) Art. 50, Sec. 31.
Ord. 43, March 13, 1896.

22. The City Collector before entering on the duties of his office, shall give bond to the corporation with security to be approved by the Mayor and presidents of the two branches of the City Council, or any two of them, in the penal sum of one hundred thousand dollars (\$100,000), conditioned for the faithful and true performance of the trust confided in him and of the duties required of him by the Acts of Assembly and ordinances of the Mayor and City Council of Baltimore now existing, or that may hereafter be passed, and also for the payment on or before the fifth day of each and every month to the City Register, or such other officer or officers, person or persons, as may be

Bond.

Duties.

authorized to receive the same, of all such sums of money as he may have received since the previous payment, with a detailed statement to be rendered under oath, showing the particular sources from which the said money was received. **

Lynn v. Cumberland, 77 Md. 449.

Subordinates.

City Code, (1879) Art. 49, Sec. 59. Ord. 81, May 19, 1882. Ord. 11, March 16, 1887. Ord. 154, October 18, 1889. Ord. 166, May 12, 1890. City Code, (1893) Art. 50, Sec. 62. Ord. 15, April 30, 1897. Ord. 22, December 29, 1899. Ord. 15, October 23, 1903. Ord. 214, March 6, 1905. Ord. 20, November 8, 1905.

Salary list.

City Collector responsible for acts of subordinates under his bond.

23. The City Collector shall receive as full compensation for the duties that are now or may hereafter be required to be performed by him by the laws of the State and ordinances of the city, the yearly salary of two thousand dollars, and he shall have authority to appoint and remove one deputy collector, whose duty it shall be to take charge of all arrears of taxes and assist the City Collector, and whose salary shall be twenty-five hundred dollars per annum; one cashier whose salary shall be eighteen hundred dollars per annum; one assistant cashier whose salary shall be fifteen hundred dollars per annum; one book-keeper whose salary shall be sixteen hundred dollars per annum; one general cash book-keeper whose salary shall be sixteen hundred dollars per annum; sixteen ledger clerks who shall each receive a salary of thirteen hundred dollars per annum; one piece clerk who shall receive a salary of thirteen hundred dollars per annum; one chief clerk who shall perform the duties heretofore performed by the transfer clerk and in addition thereto shall have such general supervision of the ledger clerks in the office of the City Collector as directed by the City Collector or his deputy and whose salary shall be fifteen hundred dollars per annum; and twenty-eight bailiffs; all of said appointees being required to comply with the ordinances of the city

**NOTE.—Ord. 43, March 13, 1896 was construed and declared *ultra vires*, in *re* Hooper v. Creager, 84 Md. 250.

in the same manner as if appointed by the Mayor and City Council and for all of their acts the City Collector shall be held responsible under his bond.

Ord. 66, June 18, 1900. Ord. 40, January 11, 1904.

24. The bailiffs appointed by the City Collector under and by virtue of section 23 of this Article, shall receive as compensation the three per centum added to bills for taxes in arrears and collected by the City Collector under the law, to be divided equally among them.

Bailiffs to receive three per centum of bills collected.

Accounts and Records.

City Code, (1879) Art. 49, Sec. 34. City Code, (1893) Art. 50, Sec. 37.

25. It shall be the duty of the City Collector to enter in the books of his office all accounts of taxes and money to be by him collected; also to enter in said books the names of all the owners of property taken from the assessment list, with a particular description of the same, and all other taxable articles, with the rate and amount of taxes charged to each of said owners; and he shall also enter the payments received, insolvencies and abatements allowed, and transfers made; and it shall be the further duty of said City Collector to enter on his ledgers, alphabetically, the entire account of each tax-payer, in one place, so that the whole may be seen and examined by the several persons to whom the taxes are assessed.

Entries in the books.

City Code, (1879) Art. 49, Sec. 35. City Code, (1893) Art. 50, Sec. 38.

26. It shall be the duty of the City Collector daily to deposit to his credit, as City Collector, in the banks designated by the Commissioners of Finance for the keeping of the accounts of the City Register, all monies collected by him; and in case of the death, resignation, removal or suspension from office of the City Collector, the amount of money so deposited shall be drawn by the City Register, upon an order countersigned by the Mayor and Comptroller.

Daily deposits in bank of moneys collected.

Collection of Annual Levy.

City Code, (1879) Art. 49, Sec. 37. City Code, (1893) Art. 50, Sec. 40.

To separate
real from
personal
taxes.

27. It shall be the duty of the City Collector, as soon as each annual levy is made, to separate the tax on real estate and chattels real, from the tax on personal chattels, stocks of incorporated institutions and other like securities, in all bills or charges issued by him for the collection of city taxes.

Sales for Taxes.

City Code, (1879) Art. 49, Sec. 47. City Code, (1893) Art. 50, Sec. 50.

Leasehold and
fee simple to
be dis-
tinguished.

28. When any lot or lots of ground, improved or unimproved, may be chargeable with the payment of taxes, and such lot or lots are subject to ground rent or lease for a term of years, renewable forever, it shall be the duty of the City Collector, in the sale of such lots for the non-payment of taxes to sell the leasehold interest only, with the improvements erected thereon, if any; provided, however, that in case the said leasehold interest and improvements shall not sell for the amount necessary to pay the taxes due on said lots, together with the lawful costs, charges and interest as aforesaid, then the said City Collector shall sell the whole fee simple of such lots; and provided further, that the provisions of this section shall not apply in cases where the books of the city do not disclose the fact that the lot or lots are on lease as aforesaid, or unless the City Collector shall have actual notice of such lease prior to the sale thereof.

Sale of fee
simple.

Mayor & City Council of Balto. v. Whittington, 78 Md. 231. Balto v. Canton Co., 63 Md. 235. Textor v. Shipley, 86 Md. 442.

Sales for Paving Assessments.

City Code, (1879) Art. 49, Sec. 55. City Code, (1893) Art. 50, Sec. 58.

City Collector
required to
deliver bills
for assess-
ments to
cover cost of
repairing or
repaving
footways.

29. The City Collector is required to deliver bills of the taxes assessed by the City Engineer according to the provisions of sections 22, 23 and 24 of Article 35 of this Code, title, "Streets and City Engineer," to the person or persons

or corporation required to pay the same, with a notice, that if not paid within thirty days thereafter, he will proceed to collect the same in like manner as provided for taxes in arrears on real estate.

City Code, (1879) Art. 49, Sec. 56. City Code, (1893) Art. 50, Sec. 59.

30. In order to afford every facility to tax-payers in ascertaining when any of their property has been sold to pay taxes in arrears as aforesaid, and that they may have the opportunity to redeem the same within the time allowed by law, the City Collector is hereby required to have lists made out within sixty days from the day on which any property may be thus sold, with the date of sale, name of party to whom assessed, location of property, amount of taxes and costs, year or years for which due, amount sold for and name of purchasers, clearly stated; said lists to be entered in a book kept for the purpose in the City Collector's office, each entry embraced in a single line when practicable, and open to the inspection of parties interested, to whom all explanations shall be made by the City Collector, when so requested, to enable them to identify their property.

List of property sold for taxes to be published.

City Code, (1879) Art. 49, Sec. 57. City Code, (1893) Art. 50, Sec. 60.

31. Whenever any money is in the care or custody of the City Register or City Collector to be paid to any person or persons whomsoever, for or on account of the balance of the purchase money in the sale of any property for the non-payment of taxes or money due to any person or persons for damages assessed for the opening of any street, lane or alley, or money claimed by any person or persons as owners of any property whatsoever, or where an examination of title shall be necessary before the payment of any money by the City Register or City Collector, the City Solicitor shall first be satisfied that the person or persons applying for or claiming the payment of any money by the City Register or City Collector is or are the owner or owners of the property so sold as aforesaid, or upon which

City Solicitor to certify who is real owner of property sold for non-payment of taxes or assessments of damages.

No payments
to be made
City Collec-
tor or City
Register un-
til certificate
is received
from City
Solicitor

damages are awarded as aforesaid, or upon which any money shall be so asked or demanded as aforesaid, and the City Collector or City Register shall not be authorized to pay out any such money until he shall have received the certificate of the City Solicitor as aforesaid.

City Code, (1879) Art. 49, Sec. 60. City Code, (1893) Art. 50, Sec. 63.

Percentage
for collec-
tion of State
taxes.

32. The collector of State taxes in the city of Baltimore shall receive as a compensation for his services, one per centum on the amount of State taxes collected by him, to be collected as provided for in the Acts of Assembly.

COMPTROLLER.

Damages in Opening Streets.

City Code, (1879) Art. 49, Sec. 61. City Code, (1893) Art. 50, Sec. 64.

Damages not
to be paid
until taxes
are all paid.

33. It shall be the duty of the Comptroller, before issuing a warrant for the payment of damages awarded for property condemned for the opening of streets, lanes or alleys, or other public purposes, to require the claimant or claimants to present a certificate from the City Collector that all taxes due thereon have been paid.

City Code, (1879) Art. 49, Sec. 62. City Code, (1893) Art. 50, Sec. 65.

Comptroller to
furnish to
Appeal Tax
Court list of
property
condemned.

34. It shall be the duty of the Comptroller to furnish to the Appeal Tax Court a description of all lots of ground and premises condemned for the opening of streets or other purposes, and for which damages have been awarded and paid, also of all lots or parcels of ground and improvements purchased or sold by the city, to enable the Appeal Tax Court to abate the property purchased, or assess that which has been sold to the purchaser or purchasers thereof.

Tax Sales.

Ord. 45, April 5, 1880. City Code, (1893) Art. 50, Sec. 66.

Proceedings
when city
buys proper-
ty at tax sale.

35. Whenever the City Collector shall sell at public auction, for the non-payment of taxes, any lot or parcel of ground, improved or unimproved, of which the city of

Baltimore shall become the purchaser at such sale, and which shall not be redeemed by the owner or owners thereof, or other persons having an interest or estate therein, within one year and a day from the time of such sale, it shall be the duty of the City Collector to procure a final ratification of said sale by the Circuit Court of Baltimore City, and within thirty (30) days thereafter to make and execute a proper deed and conveyance of said property to the Mayor and City Council of Baltimore, and to deliver said deed to the Comptroller, taking his receipt therefor.

Deed of property to city.

Ord. 45, April 5, 1880. City Code, (1893) Art. 50, Sec. 67.

36. It shall be the duty of the Comptroller upon receiving a deed from the City Collector, as provided in the next preceding section, of any property so purchased by the city of Baltimore, at any sale for taxes, to have said deed copied into a book kept in his office for the purpose, and also duly recorded among the land records in the clerk's office of the Superior Court of Baltimore City, and when recorded, to keep and file the original deed in the Comptroller's office.

Deed to be recorded in office of Comptroller and among Land Records of city.

Ord. 45, April 5, 1880. City Code, (1893) Art. 50, Sec. 68. Ord. 20, December 24, 1901.

37. It shall be the duty of the Comptroller within sixty days after receiving the deed for any property sold for taxes from the City Collector, as hereinbefore provided, to offer the property included in and conveyed by said deed at public or private sale, with the approval of the Commissioners of Finance. And if at private sale a sum not less than the amount of taxes due on said property, together with the cost of sale and interest, shall be offered for said property, should the former owner be known, then and in that event said owner should be notified of the amount of said offer and given the option of buying said property at said price, and upon payment of the purchase money the Mayor is authorized and directed to deliver to the purchaser a proper deed for the same; provided, however,

Comptroller to sell such property at public or private sale after receiving deed therefor, within sixty days thereafter.

Advertisement
required to
be made in
case of
private sale.

When objec-
tions are
filed, prac-
tice.

that whenever any such private sale shall be made under the powers hereby given no title shall pass nor shall said deed be delivered unless notice shall have been given by the Comptroller by advertisement published once a week for four weeks in some daily newspaper published in Baltimore city, giving notice of said sale and warning all persons to file objections, if any they have, with the Comptroller why said sale should not be made. Should objections be filed within the required time, the matter shall be referred to the City Solicitor for such proceedings as may be necessary to determine the sufficiency thereof.

Ord. 45, April 5, 1880. City Code, (1893) Art. 50, Sec. 69.

Report to
Appeal Tax
Court.

38. The Comptroller shall report to the judges of the Appeal Tax Court, all property that may be sold by him under the provisions of sections 35 to 37 inclusive of this Article, with the names of the purchasers thereof, in order that the same may be properly assessed to the owners.

Recovery of
fines and
penalties.

39. All fines and penalties incurred by the violation of any of the provisions of this Article for the recovery of which no provision is made herein, shall be recovered as other fines and penalties imposed by the Mayor and City Council of Baltimore are recoverable, and when collected shall be paid to the Comptroller.

ARTICLE XXXIX.

TOPOGRAPHICAL SURVEY.

ORDINANCES.

Geodetic and Topographical Surveys of Baltimore City.

1. Comprehensive surveys to be made; territory to be surveyed; maps to be prepared; what maps shall show; survey beyond city limits; not to exceed one mile.

Plats.

2. Plats to be made from surveys and bound in atlas form for use of city departments; what plats shall show.

Board of Commissioners.

3. Whom to constitute; Board to prescribe general plan for the work; to report progress to Mayor and City Council.

Chief Engineer Topographical Survey.

4. Board to appoint chief engineer and assistants.

Plan of Streets in Annex.

5. Said plan hereby adopted.
6. Survey to make map of said plan; what map shall show.
7. City not to assume ownership of streets, etc., in Annex by adoption of said plan.

Numbering Houses in Annex.

8. Decimal system of numbering to be used; block numbers to be shown on official map.
9. All numbering in Annex to conform hereafter to said system.
10. Penalty for numbering otherwise.
11. Correction of errors and irregularities to be made under direction of Inspector of Buildings.

GEODETTIC AND TOPOGRAPHICAL SURVEYS OF BALTIMORE CITY.

Ord. 98, April 26 1893. City Code, (1893) Art. 1, Sec. 63

1. Thorough, accurate and comprehensive geodetic and topographical surveys shall be made of the city of Baltimore, beginning with the recently annexed territory, and from such surveys, official maps shall be prepared on a scale sufficiently large to show clearly the following details: all streets and alleys as now laid out, with their

Geodetic and topographical surveys to be made—official maps and plats to be prepared.

width between the building lines; the elevation of streets above mean tide at street corners, or at other points, as may be necessary; the dimensions of blocks in feet and inches; all streets not yet opened to be located by dotted lines and their grades established, with a view of conforming to an uniform system of surface drainage or underground sewerage, and the survey made of the unimproved and undeveloped portions of the city shall be such that there may be defined on said map all streams, water courses, highways, boundary lines of farms or estates, with the names of the owners thereof; the undulations of the ground to be shown by contour lines representing the different elevations in a manner to enable the establishment of grades, locations of sewers, &c.; and should the commissioners, provided for in section 3 of this Article deem it advisable to extend said topographical survey beyond the present city limits, they are hereby authorized and empowered to do so; provided, however, that said extended survey shall not embrace any territory located more than one mile beyond the present city limits.

Plats.

Ord. 98, April 26, 1893. City Code, (1893) Art. 1, Sec. 69.

Plats to be
made and
bound in
atlas form.

2. Plats shall be also made from said surveys and bound in atlas form for the use of the Tax Department, City Engineer's Department, City Surveyor, and Commissioners for Opening Streets, and such other departments of the city government as may be necessary; said plats to be made upon a scale sufficiently large to show in addition to the matters contained in the general official map, the following details, viz: the dimensions of each lot or tract of land embraced in the city, with the character of the improvements thereon; the location of all sewers, with their dimensions; the system of water supply, with the location of fire plugs; all corporation buildings, such as school houses, station houses, etc.; all railway lines, and such other details as may be considered requisite.

Board of Commissioners.

Ord. 98, April 26, 1893. City Code, (1893) Art. 1, Sec. 70.

3. The Mayor, the Comptroller and the City Register are hereby constituted a Board of Commissioners, who, or a majority of whom, shall prescribe or approve the general method to be pursued in all work done under the provisions of this Article, both as to field work and maps, and also as to details required by the several departments, and they shall report from time to time to the Mayor and City Council as to the progress of the work.

Mayor, Comptroller and City Register to be a Board of Commissioners.

Chief Engineer Topographical Survey.

Ord. 98, April 26, 1893. City Code, (1893) Art. 1, Sec. 71.

4. The said Board of Commissioners are hereby authorized to appoint an engineer of experience, reputation and ability, with necessary assistants, who shall have direct charge of the work, and to fix the compensation of said engineer and his assistants.

Appointment of Chief Engineer and Assistants.

Plan of Streets in Annex.

Ord. 129, December 3, 1898.

5. The plan or scheme of streets, avenues, lanes, etc., in the territory annexed to the city of Baltimore by the Act of 1888, Chapter 98, which plan or scheme has just been completed by the Topographical Survey of the city of Baltimore, is hereby adopted.

Plan for the streets in Annex adopted.

Ord. 129, December 3, 1898.

6. The Topographical Survey is directed to proceed with the preparation of a map (based on said plan or scheme) of said proposed streets, lanes, avenues, alleys, etc., showing the length and width of blocks, as well as the widths of all streets, avenues, alleys, lanes, etc., as well as a general system of grades.

Map to be made.

Ord. 129, December 3, 1898.

City assumes
no ownership
of streets, etc.

7. In adopting such plan and map it is expressly understood that the Mayor and City Council of Baltimore in no way assumes any ownership over or recognizes as public, any street, avenue, alley, lane, etc., in said territory, except such streets as have been made public by due course of law.

Numbering Houses in Annex.

Ord. 195, April 22, 1899, Sec. 1.

Houses in the
Annex to be
numbered
on decimal
system.

8. The Topographical Survey of the city of Baltimore is hereby directed (as provided for under Chapter 431 section 2, of the Acts of the General Assembly, passed at the January Session, 1886) to extend the decimal system of numbering houses into the territory annexed to the city of Baltimore by the Act of 1888, Chapter 98; said system to regularly follow the system defined in 1886, by Ordinance 78, section 2, and show the block-numbers on the official map now being prepared.

Ord. 195, April 22, 1899, Sec. 2.

Numbering
contrary to
system
prohibited.

9. No row of houses or series of buildings now erected or in process of erection, or hereafter to be erected in any part of said annex, shall be numbered, or by figures or letters or names distinguished in any way, differently from or in violation of, the system so prepared.

Ord. 195, April 22, 1899, Sec. 3.

Penalty.

10. Any person or persons failing to comply with, or violating any of the provisions of the two next preceding sections of this Article shall be subject to a fine of five dollars (\$5) for each offence; said fines to be recovered as other fines are recovered.

Ord. 195, April 22, 1899, Sec. 4.

Correction of
errors and
irregulari-
ties.

11. All buildings are to be numbered, and all errors and irregularities corrected under the direction of the Inspector of Buildings as provided under Ordinance 59, approved July 10, 1897, codified as section 120 of Article 3, of this Code.

ARTICLE XL.

WATER.

ORDINANCES.

Water Board.

1. Power to make regulations for protection of pipes and other property of water works; to fix and enforce penalties for violation of same; to make and enforce regulations for preservation of purity of water.
2. Records to be kept in office of board; accounts to be posted showing transactions of board; to report to City Council annually; what report shall show; report of Water Engineer.
3. May require bonds of subordinates in its sub-department.

Collector of Water Rents and Licenses.

4. Duties of Collector and subordinates; to keep records; prepare bills for water furnished; collection of funds on account of water supply; payment of same to Comptroller.

Water Charges and Rates.*Bills.*

5. When to be due; discount; rates of discount; no discount after first of September; bills unpaid by first of October to be collected the same as over-due taxes.
6. Rates, terms, fines, discounts, etc., to be printed on backs of bills.

7. Parties using water for building to notify Collector of completion of such building; penalty.

Abatements.

8. When abatements may be made; notice to be given Collector; abatement where bills paid in advance.

Bills in Arrears.

9. Water may be shut off when bills in arrears; fee for turning on water; owners of property liable for water rents; penalty for unauthorized use of water; proviso as to cases of necessity; penalty for tapping pipes.
10. Penalty for making connections with pipes or using water after it is shut off.
11. Officers and employes to report wrongful use of water.
12. Penalty for obstructing Water Engineer or agent of Water Board.

Fountains.

13. Water Board may erect same.
14. Fountains to be erected when removal of pumps deprives locality of water: construction of such fountains.
15. Conditions under which fountains are to be erected.

Hydrants.*Fire Hydrants.*

16. Use of same in flushing gutters.

17. Penalty for injury to, or unauthorized use of fire plugs.

Obstruction of Hydrants, Etc.

18. Penalty for placing barrels or casks or other obstructions too near to hydrants.

Yard Hydrants.

19. Wasting water forbidden; penalty for causing injury or inconvenience to public through wasting water.
20. Hydrants discharging waste water into ground not to be erected; penalty.
21. Principle of hydrant to be approved by Water Board; penalty.

Injuring Water Works.

22. Any act resulting in injury to water works prohibited; penalty.

Opening Street Surface and Laying Pipes.

23. Power to lay pipes under and along streets; may dig up, open, etc., streets; to repair and restore streets, etc., so opened.
24. Pipes to be laid and repaired without delay; streets to be immediately restored; stone, earth, sand, etc., to be removed without delay.
25. Defective pipes to be promptly repaired.
26. What pipes are to be repaired by board; notice of defects; duty to repair on notice; repair of pipes on private premises; penalty for obstructing board.

Opening and Restoring Pavements.

27. Upon default therein by Water Board, City Engineer to repair and repave same after notice to board.
28. No pavements to be removed for introduction of water pipes without permit from board; replacing same to be under control of City Engineer; penalty.
29. Duty of board where repaving improperly done by it; necessary repaving at expense of board.
30. Water stops of private pipes in streets to be marked by paver or contractor; penalty for neglect to so mark stops.
31. Water stops in pavements or footways to be likewise marked; penalty.

Pumps.

Injuries to Pumps.

32. What to constitute injury; penalty for same.

Private Pumps.

33. Persons erecting to comply with instructions of Water Engineer; use of pumps and wells on highways to be free to public.
34. Private pumps to be cared for by owners of property on which erected; responsibility to follow property; proviso as to pumps ceded to city.
35. Penalty for violation of provisions of this sub-division.

Removal of Pumps.

36. To place signs on condemned pumps; fountains to be placed when such pumps are removed.

37. Water Engineer to remove pumps where not needed on written consent of property owners within one square of such pumps.

Wells.

Abandoned Wells.

38. To be securely covered with stone platforms and repaved.
39. Piece of granite or marble to be placed over site of removed pumps.
40. Penalty for failure to replace such mark or stone when repairing pavement.

Condemned Wells.

41. Water Engineer to prevent use of water from same; to place sign stating that water is unfit for use.
42. When Water Engineer shall connect springs with water mains.
43. Recovery of fines and penalties imposed under the provisions of this Article.

WATER BOARD.

City Code, (1879) Art. 53, Sec. 1. City Code, (1893) Art. 54, Sec. 1.
Ord. 26, March 9, 1896.

1. The Water Board shall have power to make and pass all rules and regulations for the government of the board, the laying and tapping of pipes, or for the protection and preservation of the said pipes, or other property and appurtenances of the water works; and to affix penalties, and to enforce the same for any violation of their rules and regulations; it shall also have power to adopt all necessary regulations to preserve the purity of the water, and to enact and enforce such rules, regulations and penalties as they may deem necessary, in accordance with the provisions of this Code.

Powers in relation to preservation of property, of water works and preservation of purity of the water.

City Code, (1879) Art. 53, Sec. 3. City Code, (1893) Art. 54, Sec. 3.

2. The said Water Board shall arrange and keep all the title papers, and copy the same in a book to be kept in the office. The board shall provide suitable books in which the general accounts shall be regularly posted, showing an aggregate of all the transactions of the department; and a statement of said general accounts shall be made at each monthly meeting of the board. And on or before the

Records.

Annual report.

twenty-fifth day of January, annually, the board shall present to the City Council a report containing a full statement of the condition of the water works, and of the lands and other property connected therewith, with a statement of the general accounts, and of all receipts and expenditures for the preceding year, together with any information or suggestions the Water Board may deem important. And they shall at the same time transmit to the City Council the annual report of the Water Engineer.

Ord. 46, April 5, 1880. City Code, (1893) Art. 54, Sec. 5.

May require
bond of sub-
ordinates in
its sub-
department.

3. The Water Board may require of any and all subordinates employed in its sub-department, such bond for the faithful performance of their duties, as may in the judgment of said board be proper; such bonds to be approved by the Mayor.

COLLECTOR OF WATER RENTS AND LICENSES.

City Code, (1879) Art. 53, Sec. 6. City Code, (1893) Art. 54, Sec. 6.

Appointment.

4. The Collector of Water Rents and Licenses, with the assistance of his subordinates, shall assess the water-rates on all buildings where the rates are established by law; and with the assistance of his subordinates, shall keep suitable books, in which shall be entered all transactions of his department, the names of all persons who take the water, the kind of building, the name and number of the street, the number of taps, and the amount charged, the names of the owners of all buildings, with the street and number of the building, and the front feet. He shall in due time prepare bills for rents and other accounts due the city in relation to its water supply and require his collectors to deliver said bills and accounts promptly; and he shall supervise all books and accounts kept in his office. All funds received from every source on account of the water supply shall be paid to the Collector of Water Rents and Licenses, and the same shall be paid over daily to the Comptroller.

Duties.

WATER CHARGES AND RATES.

Bills.

City Code, (1879) Art. 53, Sec. 15. City Code, (1893) Art. 54, Sec. 15.
Ord. 4, December 3, 1897.

5. All charges for water rates shall be made for the current calendar year, and shall be due and payable yearly in advance on the first day of January in each and every year; and all bills for water rates charged by the year shall be entitled to such discount, if any, as the Collector of Water Rents and Licenses shall determine; provided, however, that no greater discount shall be allowed than is hereinafter recited, viz: if paid at the office of the Collector of Water Rents and Licenses on or before the first day of March a discount of five per cent.; if paid on or before the first day of April, four per cent.; if paid on or before the first day of May, three per cent.; if paid on or before the first day of July, two per cent.; if paid on or before the first day of September, one per cent. No discount shall be made after the first day of September, and all bills not paid on or before the first day of October shall be placed in the hands of collectors and shall then be collected in the same manner and subject to the same costs as the City Collector is or may be authorized to demand in collecting taxes overdue, or they may be collected as other small debts are collected, before a Justice of the Peace.

Rates of
discount.

City Code, (1879) Art. 53, Sec. 23. City Code, (1893) Art. 54, Sec. 24.

6. The Collector of Water Rents and Licenses is hereby authorized and required to have printed on the back of each bill distributed to the water consumers, the tariff of rates upon which water is served to them, together with the terms, discounts, fines and penalties prescribed in this Article.

Rates to be
printed on
back of bills.

City Code, (1879) Art. 53, Sec. 18. City Code, (1893) Art. 54, Sec. 18.

7. Parties using water for building purposes shall, within one week after the completion of the building or

Notice to Collector of Water Rents and Licenses of completion of buildings.

buildings, certify the fact to the Collector of Water Rents and Licenses, under a penalty of ten dollars for failure or neglect to do so.

Abatements.

Ord. 42, March 31, 1880. City Code, (1893) Art. 54, Sec. 21.

When abatements may be made.

8. No abatement of charges for water rents shall be made unless the property be reported at the office of the Collector of Water Rents and Licenses as vacant by notice in writing, and the supply has been stopped off for three months; all abatements must be made at the office of the Collector of Water Rents and Licenses, and where parties have paid their bills in advance, the Collector of Water Rents and Licenses may direct the amount of the abatement to be returned; but no abatement shall be made unless the applicant shall show that notice of vacancy has been given at the office of the Collector of Water Rents and Licenses as aforesaid.

Bills in Arrears.

City Code, (1879) Art. 53, Sec. 21. City Code, (1893) Art. 54, Sec. 22.

Shutting off water.

9. All bills in arrears may be deemed a sufficient reason for stopping the water until all arrears are paid; whenever the water is stopped off for non-payment of water-rents, one dollar shall be paid to the Collector of Water Rents and Licenses before the supply is turned on again; the owners of property will in all cases be held responsible for the payment of water rents; all persons using the hydrant water without the knowledge of the Collector of Water Rents and Licenses, and all persons permitting their neighbors not entitled to use the water without a written permit, will be subject to a fine of not less than one dollar nor more than three dollars for each offence; and, in such cases, the Water Engineer shall shut off the water from the premises of all such persons; and no person or persons will be permitted to introduce the hydrant water on his, her or their premises, without the authority of the Water Board, and in case of discovery,

Wrongful use of water.

the water shall be stopped off; provided, that nothing in this section contained shall be so construed as to prevent any citizen from furnishing water, in necessitous cases, in quantities not exceeding two gallons. Any person tapping, or causing to be tapped, any pipe belonging to the city, or any private pipe connecting with the city pipe, shall be subject to a fine of twenty dollars.

Penalty for tapping pipes.

Ord. 43, April 5, 1880. City Code, (1893) Art. 54, Sec. 42.

10. Should any person or persons, occupant or occupants, of any house or tenement, make connection with any pipe or pipes, belonging to the city, or turn or let on the water to his or their premises, knowing the same to be turned off by an officer of the Water Board, without the written consent of the Water Engineer; or if any such person or persons, occupant or occupants, shall use the water of the city after the same shall be wrongfully introduced, or turned on, as aforesaid, he, she or they shall forfeit and pay a sum of not less than one dollar nor more than twenty dollars.

Penalty for making connections or using water after it is shut off.

City Code, (1879) Art. 53, Sec. 22. City Code, (1893) Art. 54, Sec. 23.

11. And all the officers and employes of the Water Board are hereby directed to report at the office of the Collector of Water Rents and Licenses all cases coming to their knowledge of persons using the hydrant water without authority, as provided in the two next preceding sections.

Officers and employes to report wrongful use of water.

City Code, (1879) Art. 53, Sec. 43. City Code, (1893) Art. 54, Sec. 43.

12. Should any person or persons, occupant or occupants, refuse to permit the Water Engineer or any subordinate or agent of the Water Board to visit his, her or their premises, when in the official discharge of his duty, he, she or they shall forfeit and pay a sum of not less than one dollar nor more than ten dollars.

Refusal to permit Water Engineer or agent to visit premises.

FOUNTAINS.

City Code, (1879) Art. 53, Sec. 46. City Code, (1893) Art. 54, Sec. 46.

Water Board
may erect.

13. The Water Board is authorized and empowered, whenever in their judgment it shall be necessary, to erect or cause to be erected, under the supervision of the Water Engineer, public fountains for the use of human beings and dumb animals, in such localities throughout the corporate limits of the city of Baltimore as will best subserve the public interests.

Ord. 97, October 28, 1879. City Code, (1893) Art. 23, Sec. 12.

Water En-
gineer to
erect
fountains.

14. Whenever any pump shall have been removed in pursuance of the provisions of this Article and of sections 127 of Article 14 of this Code title "Health," and the removal thereof shall deprive the residents of the locality of the use of water, it shall be the duty of the Water Engineer to erect, in lieu thereof, and over such well or in such locality as may be selected and deemed convenient to supply the loss of said pump or pumps, a suitable fountain, which shall be connected with the water mains of the city, and shall be so constructed as to have a six inch cast iron return pipe, with a capacity of not less than twenty-five gallons, placed under the surface of the water, in order that the water of said fountain may be rendered cool and palatable during the warm weather.

Ord. 97, October 28, 1879. City Code, (1893) Art. 23, Sec. 13.

How to be
constructed.

15. In order to secure the greatest public utility in the public fountains to be erected in any locality, the Water Engineer shall, whenever it is practicable—that is to say, where there is a well containing water which may be used for the purpose, construct the same in accordance with the provisions of the next preceding section.

HYDRANTS.*Fire Hydrants.*

Ord. 19-½, March 28, 1883. City Code, (1893) Art. 23, Sec. 184.

Flushing
gutters.

16. The Mayor, Commissioner of Health and Water Engineer are hereby authorized and directed to have the fire

plugs turned on to flush the gutters in the city, in the months of March, April, May, June, July, August, September and October, twice a week, for one hour each day, for benefit of the public health.

City Code, (1879) Art. 53, Sec. 37. City Code, (1893) Art. 54, Sec. 37.

17. If any person shall break, injure, deface, carry away or destroy any of the fire plugs or instruments belonging thereto; or if any person or persons not authorized by ordinance, or otherwise, shall open and suffer any fire plug to discharge water therefrom, such person shall, for every such offence, forfeit and pay the sum of twenty dollars; provided, that the provisions of this section shall not extend in any case to any person performing the necessary cleaning of apparatus of the Fire Department, or attending to any duties required by the corporation.

Injury to or unauthorized use of fire plugs.

Obstruction of Hydrants, etc.

City Code, (1879) Art. 53, Sec. 65. City Code, (1893) Art. 54, Sec. 65.

18. It shall not be lawful for any person or persons to place any hogshead, barrel or cask, for the purpose of filling the same, so near any public pump or hydrant as to be an obstruction to citizens going to and from the same, or by any other method obstruct the free use of the water in any pump or hydrant; but all hogsheads, barrels and casks shall be placed at a distance of at least ten feet from any pump or hydrant, under a penalty of not more than five dollars nor less than one dollar.

Penalty.

Yard Hydrants.

City Code, (1879) Art. 53, Sec. 36. City Code, (1893) Art. 54, Sec. 36.

19. If any owner or owners, occupier or occupiers of any house or tenement, shall let, permit or suffer any hydrant or hydrants attached to such house or tenement, to discharge more water than may be necessary for the use of such owner or occupiers; or if such discharge shall, by the freezing of the water in any street, lane, alley or

Excessive discharge of water.

yard in this city, or from any other cause, occasion any injury or inconvenience to the public or to individuals, such owner or occupier shall forfeit and pay a sum not exceeding ten dollars.

City Code, (1879) Art. 53, Sec. 34. City Code, (1893) Art. 54, Sec. 34.

Hydrants discharging waste water into ground not to be erected.

20. It shall not be lawful for any person or persons to erect any hydrant which wastes in the earth, or from which the water in the pipe, between the valve and the nozzle, runs back into the ground when the lever is let down, nor any fixture of any kind by which the waste-water from the pipes is discharged below the surface of the pavement; any person or persons who shall violate any of the provisions of this section, upon conviction thereof before any Justice of the Peace of the city, shall forfeit and pay the sum of twenty dollars.

City Code, (1879) Art. 53, Sec. 39. City Code, (1893) Art. 54, Sec. 39.

Approval of Water Board necessary.

21. No new hydrant shall be used unless the principle of said hydrant be first approved by the Water Board; and any person violating the requirement of this section shall forfeit and pay a fine of ten dollars.

INJURING WATER WORKS.

City Code, (1879) Art. 53, Sec. 38. City Code, (1893) Art. 54, Sec. 38.

Penalty for injuring water works.

22. If any person or persons shall do or cause to be done any act whatsoever whereby the water works belonging to the city of Baltimore, or any pipe, plug, cock or any engine or machine appertaining to the same shall be stopped, obstructed, impaired or injured, the person or persons so offending shall forfeit and pay a sum not exceeding twenty dollars.

OPENING STREET SURFACE AND LAYING PIPES.

City Code, (1879) Art. 53, Sec. 25. City Code, (1893) Art. 54, Sec. 25.

23. The Water Board shall have full power and authority to convey water under and along any of the streets, lanes

and alleys of the city of Baltimore, and to lay a pipe or pipes in any of the said streets, lanes and alleys for the purpose of conveying and distributing the said water ; and from time to time to renew and repair the said pipes, and for that purpose to dig, break up and open all or any part of such street, lane or alley, and of the pavement or footways thereof, leaving at all times a sufficient passage-way for carriages, horses and foot passengers, if the same will admit thereof, and restoring forthwith to their former condition all such streets, lanes and alleys, pavements and footways, as shall from time to time and at any time be so dug, opened and taken up, and mending and repairing all injuries to said streets, lanes and alleys, pavements and footways, arising from their so digging, opening and taking up the same as aforesaid.

Water Board
may lay
pipes under
and along
streets and
alleys.

Mayor, etc., Baltimore *v.* Holmes, 39 Md. 243.

City Code, (1879) Art. 53, Sec. 26. City Code, (1893) Art. 54, Sec. 26.

24. Whenever the Water Board or any subordinate of its sub-department, shall take up any part of the pavement or dig up any part of the streets, lanes or alleys of the city of Baltimore, for the purpose of laying or repairing the pipes for conducting the water through the city, or into the houses or lots of the citizens, they shall proceed without delay to put down or repair the pipes, as the case may be, and immediately thereafter fill in the earth or otherwise secure the place so dug up from becoming a nuisance or endangering persons riding or driving through the same, and shall also, when the same is repaved, as herein provided, remove without delay the stone, earth, sand or rubbish remaining from the laying or repairing such pipes.

Pipes to be laid
and repaired
without
delay.

Streets to be
restored.

City Code, (1879) Art. 53, Sec. 27. City Code, (1893) Art. 54, Sec. 27.

25. As often as any of the said pipes shall prove defective, so as to cause the water to flow on the surface of the ground or pavement, it shall be the duty of the said board to have the same immediately repaired.

Defective pipes
to be promptly
repaired.

City Code, (1879) Art. 53, Sec. 28. City Code, (1893) Art. 54, Sec. 28.

Further provisions as to defective pipes.

26. The pipes mentioned and referred to in the next preceding section are hereby declared to mean and be any pipes laid by the said board or in connection with the works under their care, under or along any street, lane or alley of the city, whether the same be under or along the space covered, or designed to be covered, with the foot pavement or not, and a notice that any such pipe or pipes are defective or out of repair as aforesaid, by any person whomsoever, left at the office of said board, shall be a sufficient notification; and it shall be the duty of the said Water Board, whenever they shall be notified that any pipe or pipes laid by them or in connection with the works under their charge, within the limits of any private property in the said city, are defective, so as to prevent or cause the water to flow upon the surface of the ground or pavement, to make immediate application to the owners or occupants of said property, should the occupant not be the owner thereof, for permission to send their workmen upon the premises to repair the same; and if any owner or occupant of any property, or agent of such owner, shall, upon such application, refuse permission to said board thus to repair defective pipes as aforesaid, or refusing the said permission, shall not immediately repair the same themselves, they shall be subject to a penalty of ten dollars for every day after such application until such repair is made and such pipes secured.

Water Board to repair same.

Penalty.

Opening and Restoring Pavements.

City Code, (1879) Art. 53, Sec. 29. City Code, (1893) Art. 54, Sec. 29.

Upon default of Water Board, City Engineer shall repair and repave.

27. In all cases where the said board or any of its agents or workmen shall take up any pavement for any of the purposes aforesaid, and shall not repave the same in a reasonable time, at the discretion of the City Engineer, the City Engineer shall give notice to the said board to have the same immediately repaired; and if the said board shall refuse or neglect to have said repairing done, the City Engineer shall proceed to have said pavement repaired at the expense of said Water Board.

City Code, (1879) Art. 53, Sec. 30. City Code, (1893) Art. 54, Sec. 30.

28. It shall not be lawful for any person or persons, company or corporation, to remove any of the stone or brick pavements of the city for the introduction of water-pipes without permission from the Water Board, and the replacing of said pavement shall be under the superintendence of the City Engineer, at the expense of the party removing the same; and any person or persons, company or corporation, who shall violate any of the provisions of this section, shall forfeit and pay a fine of twenty dollars.

Permits to remove pavements necessary.

City Code, (1879) Art. 53, Sec. 31. City Code, (1893) Art. 54, Sec. 31.

29. In all instances where the pavement of any street, lane or alley, which may have been heretofore or may hereafter be opened or dug up by said Water Board, has not, in the judgment of the City Engineer, been well and effectually repaved, the said Water Board, being informed thereof in writing by the City Engineer, shall forthwith proceed well and effectually to repave the same, and the expenses thereof shall be chargeable to and paid by the said board.

Water Board to repave pavements dug up.

City Code, (1879) Art. 53, Sec. 32. City Code, (1893) Art. 54, Sec. 32.

30. Whenever it becomes necessary to pave, repave or repair any street, lane or alley in the city of Baltimore, it shall be the duty of the paver or contractors to distinctly mark by three bricks on edge, or an iron box, all water-stops of private water-pipes leading from the city's main pipes to the property opposite to which the stop may be found. Any person failing to comply with the requirements of this section shall forfeit and pay for each and every neglect the sum of ten dollars.

Water stops of private pipes in streets to be marked.

Penalty.

City Code, (1879) Art. 53, Sec. 33. City Code, (1893) Art. 54, Sec. 33.

31. It shall be the duty of the owners of property, plumbers, bricklayers, or other person or persons, in paving or repaving the sidewalks, yards or alleys, to distinctly mark by three bricks on edge, or an iron box, the water-stops that may be covered by said paving or repaving, under a penalty of ten dollars for each and every neglect to comply with the requirements of this section.

Water-stops covered by pavements to be marked.

PUMPS.

Injuries to Pumps.

City Code, (1879) Art. 53, Sec. 57. City Code, (1893) Art. 54, Sec. 57.

Injury to
pumps and
plugs.

32. If any person or persons shall wilfully break, defile, remove, deface, or carry away the handle, or ladle, or cover, or obstruct any pump standing in the streets, lanes, or alleys of the city, or otherwise damage or injure the same, every person so offending, or aiding, or assisting in such offence, shall forfeit and pay a sum not exceeding twenty dollars.

Private Pumps.

City Code, (1879) Art. 53, Sec. 47. City Code, (1893) Art. 54, Sec. 47.

Supervision of
Water En-
gineer.

33. Whenever permission shall be granted to any person or persons to sink a well and erect a pump therein on the highways of the city of Baltimore, the person or persons to whom such permission shall be granted shall comply in full with the instructions given by the Water Engineer, under whose supervision all private wells shall be sunk and private pumps erected.. No permission shall be granted to any person or persons to sink a well and erect a pump therein on any of the highways of the city of Baltimore, unless the water thereof shall be subject to the free use of the public.

Permits for.

City Code, (1879) Art. 53, Sec. 48. City Code, (1893) Art. 54, Sec. 48.

Owners to take
care of them.

34. All pumps known as private pumps, erected by permission of the Mayor and City Council of Baltimore, shall be taken care of by the owner of the property in whose interest the permission to erect the same may be granted, and any change in the ownership of said property shall transfer the obligation to take care of such pumps.

City Code, (1879) Art. 53, Sec. 49. City Code, (1893) Art. 54, Sec. 49.

Penalty.

35. Any person or persons violating any of the provisions of the two next preceding sections shall be liable

to a penalty of five dollars, and a further penalty of one dollar for every day the violation shall be permitted to exist.

Removal of Pumps.

Ord. 97, October 28, 1879. City Code, (1893) Art. 23, Sec. 14.

36. The Water Engineer shall place a sign upon all pumps, the water from which is declared unfit for drinking purposes, but shall not remove the said pumps until he is ready to replace said pumps with suitable drinking fountains; the provisions of this section to apply to all pumps where the handles have already been removed.

Signs on condemned pumps.

Removal of pumps.

City Code, (1879) Art. 53, Sec. 60. City Code, (1893) Art. 54, Sec. 60.

37. The Water Engineer is authorized to remove all pumps which upon examination may be found to be of no practical use within the limits of the city; provided, two-thirds of the owners of property and residents within the distance of one square of such pump proposed to be removed, shall first give their written consent to said removal.

Water Engineer may remove.

WELLS.

Abandoned Wells.

City Code, (1879) Art. 53, Sec. 61. City Code, (1893) Art. 54, Sec. 61.

38. When the Water Engineer shall remove any pumps, he shall have the wells securely covered with stone platforms, not less than two feet below the kerb, filled with dirt and repaved.

Wells to be securely covered.

City Code, (1879) Art. 53, Sec. 62. City Code, (1893) Art. 54, Sec. 62.

39. The Water Engineer is authorized and directed to have a piece of granite or marble, not less than twelve inches square, placed in the pavement near or about the centre of the wells where pumps have been, or may hereafter be removed from the public streets, lanes or alleys in the city.

Granite or marble to be placed over site of removed pumps.

City Code, (1879) Art. 53, Sec. 63. City Code, (1893) Art. 54, Sec. 63.

Penalty for failure to replace such granite or marble.

40. If any person or persons shall remove said stone or mark for the purpose of repairing the pavement, or for any other purpose, and refuse or neglect to replace it, said person or persons shall be subject to a fine of five dollars for each and every offence.

Condemned Wells.

Ord. 97, October 28, 1879. City Code, (1893) Art. 23, Sec. 10.

Water Engineer to prevent water from being used.

41. Whenever the Commissioner of Health shall condemn the water of any well or wells, spring or springs, as “unfit for drinking and detrimental to health,” and shall notify the Water Engineer of the same, then the said Water Engineer shall forthwith place the said well or wells, in such condition as will prevent any water being taken therefrom, or cover the same in the manner prescribed by sections 38 and 39 of this Article, and shall put up in a conspicuous place, contiguous to the said spring or springs, a sign-board notifying the public that the water of the same has been condemned as unfit for use and detrimental to health.

Ord. 97, October 28, 1879. City Code, (1893) Art. 23, Sec. 11.

When Water Engineer shall connect spring with water mains.

42. The Water Engineer, in the case of any spring the water of which has been condemned as “unfit for drinking and detrimental to health,” and where the city’s title to such property is contingent on its being kept as a public fountain, shall cause such connection to be made with the water mains of the city as shall fulfill said conditions.

Recovery of fines and penalties.

43. All fines and penalties imposed in the preceding sections of this Article, for the recovery of which no provision is made herein, shall be recovered as other fines and penalties imposed by ordinances of the Mayor and City Council of Baltimore are recoverable; and when collected shall be paid to the Comptroller for the use of the Water Board.

ARTICLE XLI.

WATER RENTS AND LICENSES.

ORDINANCES.

Collector of Water Rents and Licenses.

1. To appoint his subordinates; one general bookkeeper; salary; one cashier; salary; one license clerk; salary; one chief clerk; salary; one meter clerk; salary; ten ledger clerks; salaries; eight inspectors and bill distributors; salaries.
2. Subordinates to hold office during the pleasure of Collector; bond of subordinates; duties.

Licenses.

Amusements.

3. Billiard and bagatelle tables; penalty for unlicensed use; when to expire; fee.
4. Bowling saloons and alleys; license; fee; penalty for unlicensed alleys.
5. Applicant for such license must have consent of property owners; proviso as to alleys heretofore licensed.
6. Shuffle boards; license fee; penalty for unlicensed boards.
7. Theatrical performances, entertainments, exhibitions, etc; penalty for performances without license; what license shall show; fees for licenses for different classes of entertainment; other exhibitions.
8. Proprietors of theatres or museums to obtain licenses before permitting their places to

be used; penalty for performing without permit.

9. Fee for exemption of halls and theatres from license.
10. Flying horses, whirligigs, etc., not to be operated without permit from Mayor; Collector to issue license after permit secured; fee; penalty for use without permit or license.
11. Balls where admission fee is charged; penalty, for holding same without license.
12. Rates of charge for license for balls.
13. License charge for musical parties; exception as to same for charitable purposes.
14. Collector may refuse or revoke license when so directed by Mayor.
15. City Solicitor to institute suits for recovery of penalties imposed hereunder.

Bacon, Cheese, Sausage and Cured Meats.

16. Not to be sold without license; license fee; not to sell under said license in more than one market at same time; penalty; cheese, salted cod fish or salmon dealers to have license to sell in markets; license fee; penalty; not to apply to farmers selling their produce.

17. Sale of puddings and sausages; when license to expire; fee; penalty; clerk of markets to enforce provisions in regard to such licenses; not to apply to licensed butchers, nor to farmers selling produce.

Car Licenses.

18. Annual fee for said licenses; said fee to be paid for each car run.

Charcoal.

19. Sales of charcoal; fee; penalty for unlicensed sales.

Dogs.

20. Dogs at large to have collars with metal tag attached bearing license number; tags to be furnished by Collector; dogs without collar or tag to be seized; to be killed after forty-eight hours if not redeemed.
21. All owners of dogs to procure license; fee; penalty for keeping dog without license; requirements for application for license; when license to operate; renewal fee; what license shall show; Collector to furnish tags to licensees without extra charge; lost or stolen tags; when these provisions not to apply.
22. Penalty for obstructing enforcement of provisions of this sub-division or for misuse of tags.
23. Redemption fee for dogs seized; must be redeemed within forty-eight hours.
24. Power of Mayor to contract for destruction of unlicensed dogs; conditions of contract.

25. Penalty for poisoning dogs by casting poisoned meat in streets.

Oil and Fluid Illuminants.

26. Sales of same of less than barrel; license; fee; Collector to keep record of such licenses and furnish Assistant Superintendent of Lamps and Lighting copy of same.
27. Penalty for such sales without license; disposition of fines so collected.

Pawnbrokers.

28. Requirements for issue of license to pawnbrokers; fee; each person in the business to pay fee; term of license; renewal of same; when to terminate.
29. License to designate place of business; in case of removal said Collector to endorse same on license; hours of business.
30. Bond of such licensees.
31. Rights and powers of pawnbrokers under license; to furnish certificate to depositors; contents of certificate.
32. Sale of pledge; notice of sale; sale to be public; pawnbroker may bid at such sale; record of sale to be kept by pawnbroker; application of proceeds of sale.
33. Rates of charge; to keep accounts of transactions; accounts to be open to inspection of such persons as the Mayor and City Council may designate.
34. When suit may be brought on pawnbroker's bond.

35. City Register to advertise names of licensed pawnbrokers; city officers to inform against violators of provisions of this sub-division.

36. To whom license shall not be granted; Mayor may revoke license.

37. Penalties for violation of provisions of this sub-division of this Article.

Pole Licenses.

(TELEGRAPH, TELEPHONE AND ELECTRIC LIGHT).

38. Owners of poles to file list with said Collector annually; owner to have name stamped on poles; what list shall show; notice to pole owners; penalty for failure to furnish list.

39. Pole license; annual fee; trolley poles excepted; tin number plates to be furnished licensees; said Collector to keep record of licenses issued; to furnish certificate of payment of license fee to licensee; one of said plates to be fastened to each pole.

40. Said Collector to purchase number plates; to furnish plates as provided; year of issue to be stamped on plates.

41. When owner is required to remove poles; to be removed by City Engineer on default of owner.

42. When owners of poles shall be liable for penalty imposed hereunder; penalty for such offending owners; collection of penalty.

43. Poles bearing lamps used to light streets excepted from provisions of this sub-division.

Privies.

44. Not to be cleaned without license; penalty; additional liability for creating nuisance.

45. Application for said license to be made in writing; if qualifications of applicant satisfactory license may be issued; license fee; bond of licensee; revocation of license.

Street Venders' Licenses.

46. Sales of fruits, cakes, nuts, etc., by poor persons; license to be granted with consent of occupiers of house before which sales are to be made; penalty for sales without license.

47. Sale of oranges, lemons and limes without license forbidden; license fee; penalty for selling without license.

48. Only one license to each individual; sales to be made by licensee and not by his agents; seller to keep license about his or her person; penalty.

49. Notice to offenders required; but not for second offence.

50. Fresh fruits and vegetables; unlicensed sale of same forbidden; term of license.

51. Fee for license for sales from wagons; fee for sales from baskets.

52. Wagon attendants; such attendants and basketmen to wear badge; badge to bear license number.

53. Penalty for selling without obtaining license and wagon number; penalty for failure to display badge; collection of penalties; to be deposited with Comptroller.

Water Rents.

54. For private families and ordinary domestic purposes; when Water Board shall make rates; water in dwellings not to be used for power without special permit; contents of permit; charge for such use; penalty for such use without permit; charge for water against horse owners; proviso when water meter used in stable.
55. Carriage water charges.
56. Charges for steam boilers; to be in addition to charges against building where installed.
57. Charges for hydraulic elevators not using return tank system; Board may refuse to supply such elevators.
58. Rates to charitable institutions where over two-thirds of beneficiaries are treated free.
59. Same, where between one-third and two-thirds are treated free.
60. Same, where not less than one-third are free.
61. Same, where none are treated free.
62. Rates to churches and religious corporations.
63. Schools, academies, etc.

64. Water used under provisions of this sub-division may be measured by meter.

65. Definition of "free care."

66. Board to fix rates for institutions at beginning of year; rates to be based on statements of officials of institutions.

67. Tax to be levied for payment for water used by the city, etc.

68. Rates for water used for purposes other than those specified; Board to have full power to fix such rates; rates to be uniform; Board may install meters.

69. Water bills to be collected quarterly; water to be cut off when not paid.

70. Abatement of charges.

71. Board may restrict use of water when necessary; penalty for flushing pavements, etc., after notice to cease.

72. Rates for water furnished outside of city limits.

73. Use of water for cellar drainers in private drainers.

Vehicles, Boats and Scows.

74. Revocation of license for second offence against speed regulations.

75. Whom to issue licenses; numbers for carriages.

76. For what vehicles, etc., licenses and numbers required; annual application for license; said Collector to record same; carriages, etc., not to be used until owner has complied with regulations hereunder; penalty for disregard of regulations.

77. Termination of license; to be good for one additional week after expiration of term.
78. Said Collector to furnish tin number plates to each licensee; specifications for plates; same to be fastened on carriages, etc.; penalty; plates for private carriages.
79. Licensees may provide number plates; such plates to be in addition to plates hereinbefore provided for; such licensees may retain same number from year to year.
80. License charges; carriage, boat or scow; hackney coach, etc., drawn by two horses; same drawn by one horse; wagons, etc., drawn by more than three horses; carts, etc.; boats; package carts; transfer of licenses.
81. Penalty for procuring false entry of carriages, etc., or for altering number, or for affixing number without license.
82. Penalty for use of carriages, etc., without license or in other violation of regulations herein provided.
83. Number on carriage, etc., to correspond with number on license; penalty for variance.
84. Said Collector to annually advertise expiration of licenses and provisions of law in relation to same.

Women's Merchandise Licenses.

85. Sales in markets by poor women; license therefor; fee; licensee to vend own goods; misuse of license; revocation of license; penalty for offences hereunder.

Fines and Penalties.

86. Recovery of fines and penalties imposed for violation of any of the provisions of this Article.

COLLECTOR OF WATER RENTS AND LICENSES.

Res. 16, March 12, 1900. Ord. 33, December 17, 1903. Ord. 215, March 6, 1905. Ord. 3, June 15, 1905.

1. The Collector of Water Rents and Licenses is authorized to appoint to aid him in the discharge of his duties, the following assistants and clerks at the following salaries: One general bookkeeper at a salary of sixteen hundred dollars (\$1,600) per annum. One cashier at a salary of sixteen hundred dollars (\$1,600) per annum. One license clerk at a salary of twelve hundred dollars (\$1,200) per annum. One chief clerk at a salary of fourteen hundred dollars (\$1,400) per annum. One meter clerk at a salary of twelve hundred dollars (\$1,200) per

Appointment of his subordinates and their salaries.

annum. Ten ledger clerks, at a salary of twelve hundred dollars (\$1,200) each per annum. Eight inspectors and bill distributors, at a salary of one thousand dollars (\$1,000) each per annum.

Res. 16, March 12, 1900. Ord. 215, March 6, 1905. Ord. 3, June 15, 1905.

Tenure of
office of sub-
ordinates.

Bonds.

Duties of Sub-
ordinates.

2. The said assistants and clerks shall hold their respective positions during the pleasure of the Collector of Water Rents and Licenses and shall execute such bonds, conditioned for the faithful performance of the duties of their respective offices as shall, in the judgment of the Collector of Water Rents and Licenses, be proper, said bonds to be approved by the Mayor; and shall perform such duties as are now performed by those holding the same respective positions by virtue of resolution 16 of the Mayor and City Council of Baltimore, approved March 12, 1900; and shall in addition, perform such other duties as may be prescribed from time to time by the said Collector of Water Rents and Licenses.

LICENSES.

Amusements.

Ord. 31, April 17, 1879. City Code, (1893) Art. 33, Sec. 1.

Ord. 23, March 20, 1894.

Licenses for
billiard and
bagatelle
tables.

3. No billiard or bagatelle table shall be erected, set up, kept or in any respect whatever used for the purpose of gain or public entertainment within the city without a license previously obtained from the Collector of Water Rents and Licenses, under the seal of the corporation, under a penalty of twenty dollars for each and every day that such billiard or bagatelle table may have been set up, kept or erected without license; and every license granted as aforesaid shall terminate the first week in January, annually; and for every license for the keeping of a billiard or bagatelle table, granted under this ordinance, the person obtaining the same shall pay to the Collector of Water Rents and Licenses for the use of the city the sum of ten dollars for each billiard or bagatelle table.

City Code, (1879) Art. 33, Sec. 5. City Code, (1893) Art. 33, Sec. 5.

4. If any person or persons shall erect, set up, keep, maintain or in any respect whatever use for amusement or entertainment within the city, any bowling saloon, bowling alley, nine or ten pin alley, or any other device or structure, in or upon which one or more pins are set up, for the purpose of casting, throwing, pushing or rolling against such pin or pins, one or more balls, or other missiles, without having obtained a license therefor, for which license there shall be annually paid the sum of fifty dollars, such person or persons shall forfeit and pay a penalty of twenty dollars for each and every day he, she or they may so offend.

Bowling saloons and alleys.

Penalty.

City Code, (1879) Art. 33, Sec. 6. City Code, (1893) Art. 33, Sec. 6.

5. No license shall be granted to any person or persons applying to open a saloon, alley, or structure, under the provisions of the next preceding section, unless said applicant or applicants shall obtain the assent in writing of a majority of the property holders in the immediate square where said alley is to be located; provided, that this section shall not apply to any saloon, alley, or structure, which has been heretofore licensed and never discontinued.

Conditions for obtaining license.

City Code, (1879) Art. 33, Sec. 9. City Code, (1893) Art. 33, Sec. 9.

6. It shall not be lawful for any person or persons to keep a shuffle board in the city, unless he, she or they shall first obtain from the Collector of Water Rents and Licenses a license therefor, and for every such license there shall be paid to the Collector of Water Rents and Licenses the sum of twenty dollars; and if any person or persons shall keep a shuffle board in violation of any of the provisions of this section, he, she or they so offending shall forfeit and pay the sum of one dollar for each and every day.

Shuffle boards.

Ord. 95, October 28, 1879. City Code, (1893) Art. 33, Sec. 10.

7. No person or persons within the limits of the city shall act, exhibit, play or perform any play, farce, interlude, show, opera or other theatrical or dramatical per-

Theatrical performances.

formance, entertainment or show, or public exhibition for gain, without a license for that purpose had and obtained from the Collector of Water Rents and Licenses under the seal of the city, under a penalty of fifty dollars for each and every offence, which said license shall express for what it is granted, and the time it is to continue; and the following tax or fine shall be imposed and laid upon each license granted as aforesaid, which tax or fine shall be paid, or secured to be paid, to the Collector of Water Rents and Licenses of the city on the granting of such license, as follows, to wit: for circus or feats of horsemanship in a building permanently erected for that purpose, three dollars for each performance; for circus or feats of horsemanship performed under a covering of canvas or any other material temporarily erected for that purpose fifty dollars for each performance; for rope or wire dancing or puppet shows, fifteen dollars for each week; for exhibition of living animals, five dollars for each day or night of exhibition; for all other public exhibitions for gain, five dollars per week.

City Code, (1879) Art. 33, Sec. 11. City Code, (1893) Art. 33, Sec. 11.

Proprietors of
theatres to
obtain
license.

8. It shall be the duty of every proprietor of any theatre or museum, before they permit any person or persons whomsoever to use such theatre or museum for the purpose of acting, playing or performing any play, farce, interlude, opera or other theatrical or dramatic performance, or any scene, selection or portion of any play, farce or drama of any description, for gain, to obtain from the Collector of Water Rents and Licenses the license required by the next preceding section of this Article, either in their own names or in those of the managers of such performance, under a penalty of twenty dollars.

City Code, (1879) Art. 33, Sec. 12. City Code, (1893) Art. 33, Sec. 12.

Annual pay-
ment by
owner or
lessee.

9. The owner or lessee of any hall or theatre, on the payment to the Collector of Water Rents and Licenses of fifty dollars, shall have the occupants of his or their hall or theatre exempted from license for one year.

Ord. 47, April 28, 1888. City Code, (1893) Art. 23, Sec. 73.

10. It shall not be lawful for any person or persons to have on his, her or their premises, and let, hire or use for public amusement, any flying horse or horses, or whirligig, or other similar machinery or device for public amusement by whatsoever name it may be called, unless permission for the same shall have been previously obtained from the Mayor; and whenever the Mayor shall have granted such permission, upon application and the payment to him of an annual license fee of ten dollars, it shall be the duty of the Collector of Water Rents and Licenses to issue a license to the person or persons obtaining such permission and making such application; and any person or persons offending against any of the provisions of this section shall forfeit and pay for each offence a sum not to exceed twenty dollars.

Flying horses,
whirligigs
and similar
machinery.

City Code, (1879) Art. 33, Sec. 13. City Code, (1893) Art. 33, Sec. 13.

11. It shall not be lawful for any person or persons to hold a ball where an admission fee is charged, without first obtaining from the Collector of Water Rents and Licenses of the city, a license or permit so to do, under a penalty of not less than ten nor more than twenty dollars.

Balls.

City Code, (1879) Art. 33, Sec. 14. City Code, (1893) Art. 33, Sec. 14.

12. A tax or license for all balls shall be levied as follows: the tax or license for all balls shall be one dollar per day or night, when the admission fee does not exceed twenty-five cents; three dollars per day or night when it exceeds twenty-five cents, but is not over fifty cents; five dollars per day or night, when it exceeds fifty cents, but is not over one dollar, and ten dollars per day or night when it exceeds one dollar, and on all fancy, masked, or rag balls, a tax of ten dollars per day or night when an admission fee is charged.

Rates of
charge for
license for
balls.

City Code, (1879) Art. 33, Sec. 15. City Code, (1893) Art. 33, Sec. 15.

Tax for musical parties.

13. The tax or license for musical parties shall be one dollar per night, when the admission fee does not exceed twenty-five cents, and three dollars per night when it exceeds twenty-five cents, but not over fifty cents, and five dollars per night, when it exceeds fifty cents. But the Mayor is authorized to grant, free of expense, all applications for license for concerts or performances of any kind, where the proceeds are intended for charitable purposes.

City Code, (1879) Art. 33, Sec. 17. City Code, (1893) Art. 33, Sec. 17.

Mayor may refuse license.

14. Upon the approval of the Mayor, the Collector of Water Rents and Licenses shall have full power and authority to refuse to grant licenses under the provisions of this Article, and also when directed by the Mayor, shall have full power and authority to revoke any license granted by virtue of this Article.

City Code, (1879) Art. 33, Sec. 18. City Code, (1893) Art. 33, Sec. 18.

City Solicitor to institute suits.

15. Whenever the City Solicitor shall be notified of any violation of any of the provisions of this Article, it shall be his duty immediately to institute legal proceedings against the offender or offenders, to recover from him, her, or them, the penalty or penalties herein prescribed in this Article.

Bacon, Cheese, Sausage and Cured Meats.

City Code, (1879) Art. 35, Sec. 34. City Code, (1893) Art. 35, Sec. 41.

Sales of cheese or cured meat.

16. It shall not be lawful for any person to sell or offer for sale from any cart, wagon or other vehicle, within the limits of any market within the city, any cheese, or salted or cured meat, without having obtained from the Collector of Water Rents and Licenses, who is hereby authorized to grant the same, a license, for which dealers in salted or cured meat shall pay fifty dollars to sell in the several markets of the city; provided, that said license shall not confer the right to sell in any more than one market at the same time, nor out of more than one cart, under a penalty

of ten dollars for each and every offence; and dealers in cheese or salted codfish or salmon, or any cut or broken pieces thereof, to pay ten dollars for a license to sell in the market therein named; and any person or persons selling or causing to be sold any cheese within the limits of any market whatever in the city, without having first obtained a license so to do, shall forfeit and pay the sum of three dollars for each and every such offence, and provided Proviso. further, that nothing contained in this section shall be construed as applying to farmers selling the produce of their farms.

City Code, (1879) Art. 35, Sec. 35. City Code, (1893) Art. 35, Sec. 42.

17. It shall not be lawful for any person to sell or offer for sale, within the limits of any of the markets in the city, any puddings or sausages, without having first obtained from the Collector of Water Rents and Licenses a license, to expire on the first day of January in every year; for which the Collector of Water Rents and Licenses shall receive the sum of five dollars for each and every market; and every person offending against the provisions of this section, shall forfeit and pay a penalty of five dollars for each market day he or she may attend; and it shall be the duty of the clerks of the markets at the several markets of the city, to see that the provisions of this section are complied with and enforced; provided, that the provisions of this section shall not apply to butchers selling under a license in the inside of the market house; and provided, also, that the same shall not apply to farmers selling such articles, the produce of their farms. Sausage and puddings.

Car Licenses.

City Code, (1879) Art. 40, Sec. 31. City Code, (1893) Art. 41, Sec. 32.

18. The sum of five dollars shall be paid annually upon each car running regularly on the street passenger railways of the city of Baltimore, as license money therefor, to the Collector of Water Rents and Licenses. \$5.00 per car to be paid annually.

Charcoal.

City Code, (1879) Art. 28, Sec. 47. City Code, (1893) Art. 28, Sec. 59.

License to
retail.

19. Any person may retail charcoal out of any wagon, cart or other carriage, in any of the streets, lanes or alleys of the city, by applying to the Collector of Water rents and Licenses for a license to that effect, for which the person so applying shall pay two dollars; and if any person shall sell or offer for sale charcoal, by retail, without first obtaining such license, he shall forfeit and pay for every such offence two dollars.

Dogs.

City Code, (1879) Art. 33, Sec. 19. City Code, (1893) Art. 33, Sec. 19.
Ord. 96, June 15, 1898.*

Dogs to have
collar with li-
censed num-
ber attached.

20. No animal of the dog kind shall be permitted to run at large within the limits of the city of Baltimore unless said animal shall have a collar about its neck, to which shall be attached a metal tag containing a licensed number, said tag to be regularly furnished by the Collector of Water Rents and Licenses, who is hereby required to have the same prepared. Every such animal found running at large within the limits of said city without such collar and tag attached shall be seized, and after having been kept for forty-eight hours without redemption, may be killed in a speedy and least painful manner.†

City Code, (1879) Art. 33, Sec. 20. City Code, (1893) Art. 33, Sec. 20.
Ord. 96, June 15, 1898.

21. Every person owning or harboring a dog or dogs within the corporate limits of the city of Baltimore shall procure a license and pay to the Collector of Water Rents

*NOTE.—Ord. 96, June 15, 1898, held to have been validly passed and constitutional. The contract with the Society for the Prevention of Cruelty to Animals creates the relation of agency between the city and said society, the city remaining responsible for the acts of said society. *Hock v. M. & C. C. of Balto.*, Daily Record, March 28, 1890.

†NOTE.—As to right of State to prohibit dogs running at large, under its police powers, *see*, *Hagerstown v. Witmer*, 86 Md. 293.

and Licenses the sum of two dollars (\$2) by way of a \$2.00 license fee for every dog. license fee or tax for every animal of the dog kind so owned or harbored by him or her, and every such person who shall own or harbor any such animal without paying such fee or tax and obtaining such license shall forfeit and pay a fine of not less than five dollars (\$5) nor more than Penalty. ten dollars (\$10). In applying for such license the applicant shall state in writing the sex, breed and color of the dog for which the license is to be procured. Licenses granted under the provisions of this section shall date from the first day of January in each year and must be renewed prior to the expiration of the term, the charge for each and every renewal to be the sum of one dollar. Each certificate of Renewal \$1.00. license or renewal shall state the name and address of the owner of the dog, the sex, breed and color of the dog, and also the number of such license or renewal; provided, every person who may have procured a license for the current year under existing ordinances shall be entitled to a license as provided for in this section without further charge or expense. At the time of issuing such license or renewal the Collector of Water Rents and Licenses shall furnish to the applicant, without extra charge, a metal tag, to be prepared by him as hereinbefore directed. Tags lost or stolen may be replaced upon application to the Collector of Tags lost or stolen re-placed for 25 cents. Water Rents and Licenses and the payment to him of twenty-five cents for each additional tag. The provisions of this section shall not apply to dogs owned by non-residents remaining temporarily in or passing through the city nor to dogs brought into the city and entered for exhibition at any dog show; provided, said dogs are led by a chain, rope, leash or similar contrivance, or confined in a box or basket, nor dogs under three (3) months of age.

City Code, (1879) Art. 33, Sec. 21. City Code, (1893) Art. 33, Sec. 21.
Ord. 96, June 15, 1898.

22. Any person or persons who shall hinder, molest or interfere with any one duly authorized or empowered to perform any duty under the two next preceding sections Penalty for obstructing enforcement.

of this Article or shall use a licensed tag on a dog for which it was not issued, or remove such licensed tag from the collar of a dog without the consent of the owner shall be liable to a fine of ten dollars (\$10).

City Code, (1879) Art. 33, Sec. 22. City Code, (1893) Art. 33, Sec. 22.
Ord. 96, June 15, 1898.

23. Any person claiming a dog seized under the provisions of section 20 of this Article and proving ownership thereof shall be entitled to resume possession of the same on payment of the sum of fifty (50) cents; provided, however, such claim shall be made before the expiration of the forty-eight hours as provided in section 20 of this Article.

Owner to resume possession must pay fee of 50 cents.

City Code, (1879) Art. 33, Sec. 23. City Code, (1893) Art. 33, Sec. 23.
Ord. 96, June 15, 1898.

24. The Mayor is authorized and empowered, to contract for and on behalf of the Mayor and City Council of Baltimore pursuant to the provisions of sections 14 and 15 of the City Charter, for the seizure and destruction of such unlicensed animals of the dog kind as shall from time to time be found running at large within the limits of the city of Baltimore; provided, however, that such contract shall not be for a longer period than three years unless renewed, nor for a greater contract price annually than the sum of two thousand dollars (\$2,000), and the net amount of money received by the Collector of Water Rents and Licenses for license fees and fines remaining after payment of the expenses incurred by him in carrying out his duties under sections 20, 21 and 22 of this Article; provided, however, that any excess of money paid the Collector of Water Rents and Licenses under sections 21 and 22 of this Article after paying the expenses incurred by such contractor, shall revert to the city treasury.

Power to contract for the destruction of all unlicensed dogs.

Proviso.

City Code, (1879) Art. 33, Sec. 25. City Code, (1893) Art. 33, Sec. 25.
Ord. 96, June 15, 1898.

25. No poisoned meat or any poisonous substance shall be cast into any of the streets, lanes or alleys or public

places of the city for the purpose of destroying dogs or other animals; and any person or persons violating the provisions of this section shall on conviction be subject to a fine of ten dollars (\$10). Penalty for poisoning dogs by casting poisoned meat in streets.

Oil and Fluid Illuminants.

Ord. 35, April 1, 1881. City Code, (1893) Art. 28, Sec. 25.

26. It shall not be lawful for any person or persons, or firm, or corporation, to barter, give, sell or offer for sale, in the city of Baltimore, in quantities less than a barrel, any oil or fluids made from petroleum or its products, and used for illuminating purposes, without having first obtained for that purpose a license from the Collector of Water Rents and Licenses; and it shall be the duty of the Collector of Water Rents and Licenses to issue such licenses annually and to charge the sum of one dollar for each of such licenses; and also, to keep a record of the name and place of business of each and all persons who may take out a license under the provisions of this section; and also, to furnish to the Assistant Superintendent of Lamps and Lighting a correct copy of such record. License for sale of oils, etc.

Ord. 35, April 1, 1881. City Code, (1893) Art. 28, Sec. 26.

27. Any person or persons or firm, who shall barter, give, sell or offer for sale, in the city of Baltimore, in quantities less than a barrel, any oil or fluids made from petroleum or its products, and used for illuminating purposes, without having first complied with the provisions of the next preceding section of this Article by having first obtained a license, shall forfeit and pay a fine of fifty dollars for each and every offence, to be collected and paid to the Comptroller. Penalty.

Pawnbrokers.

City Code, (1879) Art. 33, Sec. 29. City Code, (1893) Art. 33, Sec. 36.

28. The Collector of Water Rents and Licenses is authorized to grant licenses, under the corporate seal, to

Pawnbroker's
licenses.

such person or persons as shall produce to him satisfactory evidence of his, her or their good character, to exercise or carry on the trade or business of pawnbrokers, which license shall designate the house in which such person or persons shall respectively be licensed to carry on the said trade or business; and each person receiving the said license shall pay therefor the sum of two hundred dollars, and the license granted, as aforesaid, shall continue for the term of one year, and may be renewed on application to the Collector of Water Rents and Licenses each and every year on payment of the same sum; all licenses granted as aforesaid, to terminate the first week in January of each year.

Term of and
fee.

Ord. 37, April 7, 1890. City Code, (1893) Art. 33, Sec. 37.

License neces-
sary.

29. No person shall use, exercise or carry on the trade or business of pawnbroker in this city, without having such license as aforesaid, nor in any other house than the one designated in said license, unless in case of removal; the Collector of Water Rents and Licenses shall endorse on said license the house to which the party shall have removed, and no house wherein said trade or business is carried on shall be opened at an earlier hour than seven o'clock in the morning, nor shall it be kept open later than seven o'clock in the evening, except between the 15th day of December and the 31st day of December (inclusive), when it may be kept open until thirty minutes after eleven o'clock P. M., and also, except upon Saturdays and on the evenings preceding legal holidays, when it may be kept open until eleven o'clock P. M.

Place and
hours of bus-
iness.

City Code, (1879) Art. 33, Sec. 31. City Code, (1893) Art. 33, Sec. 38.

Bond from
licensee.

30. Every person so licensed as aforesaid shall, at the time of receiving such license, enter into an obligation to the Mayor and City Council of Baltimore, with good and sufficient sureties, to be approved by the Mayor and the presidents of both branches of the City Council, or a

majority of them, in the penal sum of five hundred dollars, conditioned for the faithful observance of the provisions of this Article and such other ordinances as may be passed on this subject.

City Code, (1879) Art. 33, Sec. 32. City Code, (1893) Art. 33, Sec. 39.

31. Each and every pawnbroker licensed as aforesaid shall be capable of receiving from any person or persons, (except a minor or apprentice, knowing or having reason to believe him to be such,) bodies corporate, or politic, any deposit of merchandise of every description, as collateral security for such amounts thereon to be advanced by them, as they may deem proper and judicious, and to hold and retain the same during such time as may be agreed on between the party or parties depositing the same and the said pawnbrokers, and to charge for such advances, interest at the established legal rate, and an additional charge as hereinafter specified, appropriate to the nature of the deposit, and the proper storage, removal and care of the same, and shall give to the party or parties so depositing, a certificate specifying the sum advanced, the date of deposit, the article or articles deposited, the amount of charge, the time for which such deposits shall be kept, as well as the name of the depositor, and his, her or their place of business, and if none, of abode.

Transactions
with and cer-
tificates to
depositors.

City Code, (1879) Art. 33, Sec. 33. City Code, (1893) Art. 33, Sec. 40.

32. The article so deposited may, and if so agreed, shall be held by said pawnbroker six months, to be computed from the date of certificate as aforesaid, and if not then redeemed, or by contract the certificate thereof be renewed, it shall and may be lawful for the said pawnbroker then to proceed to have such deposit sold, on first giving ten days' notice in a newspaper published in said city, of the time, place and mode of sale for cash and at public sale, which shall be affected by an agent by said pawnbroker to be designated; whereat it shall and may be lawful for the pawnbroker, when by him deemed essential for self-protection, to be a competitor, and upon such sale being made,

Sale of pledge.

an account thereof, sworn to by the agent effecting the same as in all respects fair and *bona fide*, shall be rendered to and kept by said pawnbroker, and a copy thereof shall be delivered on reasonable demand to the depositor of the matter so sold, whereof the proceeds shall be applied; first, to the payment of all expenses usual and incident to such sale, inclusive of any tax that thereon may be chargeable legally; secondly, to the legal interest and charges hereby authorized on advance and deposit as aforesaid and as herein specified; thirdly, to reimbursing to the pawnbroker the principal advanced, any deficiency wherein shall be a valid claim against such depositor; and any surplus shall be payable and paid to said depositor, or the party thereto legally entitled, if demanded at any time within twelve months from the day of such sale.

City Code, (1879) Art. 33, Sec. 34. City Code, (1893) Art. 33, Sec. 41.

Rates of
charge.

33. It shall be lawful for the said pawnbroker, in view and by reason of the necessity of extensive storage, labor incident thereto, portorage, insurance and other expenses inseparable from the nature of the business hereby authorized, as affording a desirable and advantageous facility to the commercial and other classes of society, to charge therefor in addition to interest, at a reasonable rate, in no case to exceed two cents on the dollar each month, to be computed on the principal advanced as aforesaid, and shall cause to be kept in suitable books therefor, to be provided by said pawnbroker, an accurate account of each transaction authorized by this sub-division of this Article, and all the business and affairs of said pawnbroker shall be subject at all times to inspection of such agent or officers of Baltimore city, or of such committee as for that purpose may be designated by the Mayor and City Council of Baltimore.

City Code, (1879) Art. 33, Sec. 35. City Code, (1893) Art. 33, Sec. 42.

Suits against
pawnbrokers
on bond.

34. If any person or persons shall sustain any injury or damage from any act or default of a pawnbroker, contrary to the tenor of his obligation as aforesaid, such per-

son or persons may institute an action in any court having jurisdiction, for his, her or their use, or benefit, in the name of the Mayor and City Council of Baltimore, upon the obligation given as aforesaid, in which action he, she or they shall recover judgment for the amount of the damages so sustained.

City Code, (1879) Art. 33, Sec. 36. City Code, (1893) Art. 33, Sec. 43.

35. It shall be the duty of the City Register to advertise, quarter yearly, in one or more of the public papers, the names of the several persons within the city who have been duly licensed as pawnbrokers; and it shall be the duty of the officers of the city to inform against all persons offending against any of the provisions of this subdivision of this Article.

Advertisement
of names of
pawn-
brokers.

City Code, (1879) Art. 33, Sec. 37. City Code, (1893) Art. 33, Sec. 44.

36. No license as a pawnbroker shall be granted to any person who has an ordinary license, or license for the retailing of spirituous liquors; and any license to any pawnbroker, granted as aforesaid may be revoked or annulled by the Mayor, if there should appear to him sufficient cause for so doing.

To whom
license shall
not be
granted.

City Code, (1879) Art. 33, Sec. 38. City Code, (1893) Art. 33, Sec. 45.

37. Any person offending against any of the provisions of this subdivision of this Article shall forfeit a sum not exceeding fifty dollars for each and every offence; and any person who shall receive any pledge on which he shall advance money and take a receipt for a larger sum than he actually advances, shall forfeit a sum not less than two hundred nor more than three hundred dollars for each and every offence; all fines and penalties imposed by this subdivision of this Article are to be collected as other fines and penalties are collected.

Penalties.

*Pole Licenses.**(Telegraph, Telephone and Electric Light).*

Ord. 86, April 20, 1893. City Code, (1893) Art. 50, Sec. 74. Ord. 31,
March 27, 1894, Secs. 1, 2 and 3.

Owners of tele-
graph, tele-
phone, elec-
tric light or
other such
poles to file
list with
Collector of
Water Rents
and Licenses.

What the list
shall contain.

38. All persons and corporations having, using or maintaining, or hereafter using or maintaining, any telegraph, telephone, electric light or other poles, in any of the streets, lanes or alleys of the city of Baltimore, shall, annually, between the fifteenth day of December and the first day of January, in each and every year, file with the Collector of Water Rents and Licenses a list of all such poles so used, possessed or maintained by them, giving the accurate locations of each of such poles, and shall also have stamped, painted or printed, in legible characters, their name as owner upon each of such poles; said list giving the license number of each and every pole (wherever such license shall have been issued) and if in front of a store or dwelling, giving the number of the same, and the names of corners of intersecting streets on which any poles are, or may hereafter be located; and the Collector of Water Rents and Licenses is authorized and directed to notify in writing the various telegraph, telephone and electric companies in the city of Baltimore that a complete list of the poles as aforesaid must be sent to the Collector of Water Rents and Licenses within three (3) months from the date of such notification; any telegraph, telephone or electric company now doing business, or hereafter doing business in the city of Baltimore which shall fail to furnish said list of poles, shall be subject to a penalty of not less than ten dollars (\$10) and one dollar (\$1) per day for every day they shall fail to comply therewith after said written notice shall have been given as aforesaid.

Ord. 86, April 20, 1893. City Code, (1893) Art. 50, Sec. 75.

Annual fee of
\$2 to be paid
therefor.

39. Annually in the first week of January all persons or corporations shall pay to the Collector of Water Rents and Licenses a fee of two dollars for each and every telegraph, telephone, electric light or other pole used, possessed or maintained by them in any of the streets, lanes or alleys

of the city of Baltimore, except trolley poles, used exclusively for stringing thereon wires for use in the propulsion, by electricity, of street passenger cars. Upon receiving the above fee, the Collector of Water Rents and Licenses shall deliver to the person or corporation paying the same a tin plate, with a plain and conspicuous number thereon, to be provided in the manner prescribed in the next succeeding section of this Article, for each and every pole upon which the said license fee is paid, and shall also enter in a book, to be kept for that purpose, the name of the person or corporation to whom the license is issued, and the number of poles for which it is issued, and the number of the tin plates delivered to the person paying such license fee; he shall also deliver to such person or corporation a certificate, under his own hand and the seal of the city, that such person or corporation has paid the required license fee for that year, on the specified number of poles, and has received the tin plates of the given numbers therefor; such person or corporation shall then have one of such tin plates securely fastened in some conspicuous place upon each of the poles used, possessed or maintained by it or him.

Tin plates to be furnished to owners.

Certificate of payment of license fee.

Postal Tel. Cable Co. v. Baltimore, 79 Md. 508.

Ord. 86, April 20, 1893. City Code, (1893) Art. 50, Sec. 76.

40. It shall be the duty of the Collector of Water Rents and Licenses annually on or before the first day of January to purchase a sufficient number of tin plates, numbered with plain conspicuous figures, beginning with number one, and so on progressively, to be furnished as prescribed in the next preceding section of this Article to the persons or corporations using, possessing or maintaining telegraph, telephone, electric light or other poles other than trolley poles used exclusively for stringing wires thereon for use in the propulsion, by electricity, of street passenger cars; the Collector of Water Rents and Licenses shall cause to be stamped on each of such tin plates, with a proper die, the year in which they are issued; the said plates to be of suitable size and description, in the discretion of the Collector of Water Rents and Licenses, and to be paid for out of the appropriation for general licenses.

Collector of Water Rents and Licenses to purchase such tin plates.

Die to be stamped thereon.

Ord. 86, April 20, 1893. City Code, (1893) Art. 50, Sec. 77.

Removal of
poles not
listed.

41. All telegraph, telephone, electric light and other poles in any of the streets, lanes and alleys of the city of Baltimore, (except trolley poles used exclusively for stringing thereon wires for use in the propulsion of street passenger cars,) which have not been included in any list filed in accordance with the provisions of section 38 of this Article, with the Collector of Water Rents and Licenses or upon which the name of the owner is not legibly painted, printed or stamped, or upon which the above mentioned license fee has not been paid, or on which the above prescribed tin plate is not securely fastened in some conspicuous place, during or before the first week in January in any year, shall be forthwith removed by its owner, and in default thereof may be cut or taken down by the City Engineer and removed from the streets by him in addition to the said owner incurring the penalties provided in the next succeeding section.

Default.

Ord. 86, April 20, 1893. City Code, (1893) Art. 50, Sec. 78.

Penalty for
violating
foregoing
provisions.

42. Any person or persons, or corporation using, possessing or maintaining any telegraph, telephone, electric light or other poles in any of the streets, lanes and alleys of the city of Baltimore, who or which shall fail to file with the Collector of Water Rents and Licenses, a list of said poles between the fifteenth day of December and the first day of January, annually, as prescribed in section 38 of this Article, or who shall fail to have stamped, printed or painted in legible characters, his, or its name as owner upon each of such poles, as prescribed in said section 38 by the first week in January of each and every year, or if belonging to the classes required to pay a fee of two dollars on each pole by section 39, shall fail to pay the said fee or shall fail to have the tin plate therein prescribed securely fastened in some conspicuous place by the first week in January of each and every year, upon all such telegraph, telephone, electric light or other poles so used, possessed or maintained by him, them or it, shall forfeit and pay a fine of ten dollars for each pole upon which he,

they or it are so in default; such fine to be collected as other fines and penalties for the violation of city ordinances are collected.

Ord. 89, May 18, 1894.

43. Nothing contained in sections 38 to 42 inclusive of this Article shall be deemed or held to apply to any pole bearing a public lamp or lamp used to light any street, lane or alley, or other public place in the city.

Certain poles
excepted
from fore-
going provi-
sions.

Privies.

City Code, (1879) Art. 23, Sec. 75. City Code, (1893) Art. 23, Sec. 95.

44. No person shall remove the contents of any privy, well or sink, within the limits of the city, without having first obtained a license from the Collector of Water Rents and Licenses so to do; and every person offending against any of the provisions of this section shall for every such offence forfeit and pay the sum of twenty-five dollars, and also be liable to the penalty for creating or maintaining a nuisance.

License to
clean.

City Code, (1879) Art. 23, Sec. 76. City Code, (1893) Art. 23, Sec. 96.

45. Every person desirous of being licensed to empty or remove the contents of privy wells and sinks, shall make application in writing to the Collector of Water Rents and Licenses, who, after conference with the Commissioner of Health, on being satisfied with the character of the applicant, and the security and tightness of his cart or carts, and that he is the owner of such horses and cart or carts as represented in his application, and that he is not in collusion or combination with others to defraud the corporation, may grant him a license for one year, and renew the same from time to time; and for such license so granted and for each renewal of the same he shall pay therefor to the Collector of Water Rents and Licenses the sum of two and a half dollars for each and every cart; and every person so licensed shall give bond to the City, with security to be approved by the Collector of Water Rents

Application to
Collector of
Water Rents
and Licenses,
for licenses.

Bond.

and Licenses, in the penal sum of five hundred dollars, conditioned for the faithful performance of all the duties enjoined by this and the next preceding sections of this Article, and the Collector of Water Rents and Licenses upon complaint of the Commissioner of Health may revoke or suspend any such license.

Street Venders' Licenses.

City Code, (1879) Art. 33, Sec. 39. City Code, (1893) Art. 33, Sec. 46.

License to poor
persons to
sell fruits,
cakes nuts,
&c.

46. The Collector of Water Rents and Licenses is hereby authorized and empowered to grant licenses to as many poor persons as to him may appear proper, to permit them to keep tables or baskets on the footways across the gutters of the streets of the city, with the consent of the occupiers of the houses before which such tables or baskets may be placed, for the purpose of exposing for sale, fruits, cakes, nuts, and other articles that it has heretofore been customary for persons of that description to sell; and any person keeping such table without license shall forfeit and pay one dollar for every day the table may be so kept.

City Code, (1879) Art. 33, Sec. 40. City Code, (1893) Art. 33, Sec. 47.

Oranges,
lemons
and limes.

47. It shall not be lawful for any person or persons to sell or offer for sale in any of the streets, lanes, alleys or highways of the city, any oranges, lemons or limes, without having previously obtained from the Collector of Water Rents and Licenses of the city a license, for which each person shall pay annually the sum of two dollars, and every offender against the provisions of this section shall forfeit and pay a sum not exceeding two dollars for each and every offence.

City Code, (1879) Art. 33, Sec. 41. City Code, (1893) Art. 33, Sec. 48.

Only one
license to sell.

48. No license granted under the next preceding section shall authorize the sale of oranges, lemons or limes by more than one individual; and all sales under such license shall be made by the person named therein, and not by

any agent or other person, and no person so licensed shall sell or offer for sale any fruit without having his or her license about his or her person, and every offender against any of the provisions of this section shall forfeit and pay the sum of ten dollars.

City Code, (1879) Art. 33, Sec. 42. City Code, (1893) Art. 33, Sec. 49.

49. But the person or persons aforesaid shall not be liable for the fines and penalties imposed by the two next preceding sections, unless a notice has been given to the person or persons so offending, and the necessary time has been allowed for a compliance with the requirements of said sections; provided, however, that the provisions of this section shall not be applicable to anyone who may commit the same offense a second time, or fail to comply with the requirements after the said notice has been given, or where the offence was knowingly or wilfully committed.

Notice to
offenders.

Ord. 45, April 15, 1890. City Code, (1893) Art. 33, Sec. 51.

50. It shall not be lawful for any person or persons, or firm, to sell or offer for sale in the streets and highways of Baltimore city, any fresh fruits, vegetables or other perishable articles, without having first obtained from the Collector of Water Rents and Licenses of Baltimore city, who is hereby authorized to grant the same, a license, which said license is to expire on the first day of January in each and every year.

Fresh fruits
and
vegetables.

Ord. 45, April 15, 1890. City Code, (1893) Art. 33, Sec. 52.

51. A license of twenty-five dollars is required for any person or persons, or firm, to sell fresh fruits, vegetables or other perishable articles from any wagon within the limits of the city of Baltimore, and a license of fifteen dollars is required from any person or persons selling said articles in said city, from any basket.

Amount of
license for
sales from
wagons.

Ord. 45, April 15, 1890. City Code, (1893) Art. 33, Sec. 53.

Attendants
upon each
wagon.

52. Each wagon shall be attended by not more than two men, and such persons and each basketman shall wear a badge conspicuously displayed, to be supplied by the Collector of Water Rents and Licenses and to be numbered in conformity with the number of the license and wagon under which they and each of them are selling.

Ord. 45, April 15, 1890. City Code, (1893) Art. 33, Sec. 54.

Penalty.

53. Any person or persons selling or offering for sale the articles named in section 51 of this Article, without first having obtained the license and wagon number, as provided for in said section 51, shall forfeit and pay a fine of twenty dollars for each and every offence; and any person or persons neglecting to conspicuously display the badge, as provided in section 52 hereof, shall forfeit and pay a fine of one dollar for each and every offence, and the fines and moneys received from the licenses named in said section 51 are to be deposited with the Comptroller to the credit of the city of Baltimore.

*Water Rents.**

City Code, (1879) Art. 53, Sec. 16. Ord. 90, October 10, 1883. City Code, (1893) Art. 54, Sec. 16. Ord. 135, May 13, 1901. Ord. 130, March 19, 1903. Ord. 125, July 5, 1904.

For private
families and
ordinary
domestic
purposes.

54. The following shall be the annual rates or charges for the use of water by private families for ordinary domestic purposes in the city of Baltimore: For the use of water for such purposes in a dwelling house which exceeds forty feet front, twenty-five dollars (\$25); for the use of water for such purposes in a dwelling house over thirty-five feet front and not over forty feet front, twenty-three dollars (\$23); for the use of water for such purposes

*NOTE.—Ord. 125, July 5, 1904, repealed and re-ordained section 16, Art. 54, City Code, 1893, as said section was repealed and re-ordained by Ord. 135, May 13, 1901. This ordinance was inserted in this Article in order to group together the ordinances relating to licenses and water rents.

in a dwelling house over thirty feet front and not over thirty-five feet front, twenty-one dollars (\$21); for the use of water for such purposes in a dwelling house over twenty-five feet front and not over thirty feet front, nineteen dollars (\$19); for the use of water for such purposes in a dwelling house over twenty-two feet front and not over twenty-five feet front, seventeen dollars (\$17); for the use of water for such purposes in a dwelling house over nineteen feet front and not over twenty-two feet front, fifteen dollars (\$15); for the use of water for such purposes in a dwelling house over eighteen feet front and not over nineteen feet front, thirteen dollars (\$13); for the use of water for such purposes in a dwelling house over seventeen feet front and not over eighteen feet front, twelve dollars (\$12); for the use of water for such purposes in a dwelling house over sixteen feet front and not over seventeen feet front, nine dollars (\$9); for the use of water for such purposes in a dwelling house over fifteen feet front and not over sixteen feet front, seven dollars (\$7); for the use of water for such purposes in a dwelling house over fourteen feet front and not over fifteen feet front, six dollars (\$6); for the use of water for such purposes in a dwelling house over thirteen feet front and not over fourteen feet front, five dollars (\$5); for the use of water for such purposes in a dwelling house over twelve feet front and not over thirteen feet front, four dollars (\$4); for the use of water for such purposes in a dwelling house twelve feet front or under, two dollars and fifty cents (\$2.50); for houses of irregular shape occupied by private families exclusively as dwellings, or where the front foot charge would not, due to the character of the water fixtures, in the opinion of the Water Board, be a proper basis for the payment of water used, the said board is hereby authorized to make such annual charges for the use of water in such houses for ordinary domestic purposes as the said board in its discretion shall deem proper.

When Water Board shall make rates.

No water shall be used for power or for other than ordinary domestic purposes in any dwelling where the rate is based upon the front foot rule, by any private family without a special permit for such use first obtained from

Water not to be used for power in dwellings without special permit.

Contents of
and charge
for permit.

the Water Board, which permit shall designate the character of such use and the terms and conditions upon which the water shall be so used; and the charge for such use shall be such as the Water Board shall in its discretion deem proper, and shall be in addition to the charge for the use of water in such houses for ordinary domestic purposes, and no water shall be used by any private family for any purpose other than ordinary domestic purposes without such permit first had and obtained, and then only upon the terms and conditions in such permit set forth. Any person or persons using water in a private dwelling house for any purpose than ordinary domestic purposes, without having obtained the permit above provided for, shall forfeit and pay for each and every such offence a fine not exceeding five dollars.

Penalty.

Water used by
horses.

For each and every horse owned and used in the city of Baltimore, not used for drays, carts or wagons, there shall be a charge of one dollar and fifty cents (\$1.50) per annum; provided, that whenever the Water Board shall deem proper, it shall have power to install a water meter in any stable or other place in which any horse or horses is or are kept, and in such case the charge for water shall be ascertained from such meters at the rate hereinafter prescribed, and shall be in lieu of any other charge for water for such horse or horses.

Ord. 135, May 13, 1901. Ord. 125, July 5, 1904.

Carriages.

55. For each and every carriage owned and used in the city of Baltimore there shall be a charge of one dollar and fifty cents (\$1.50) per annum.

Ord. 135, May 13, 1901. Ord. 125, July 5, 1904.

Steam boilers.

56. For each and every steam boiler used for generating steam for engines only, when using the water supplied by the city, there shall be a fixed annual charge of three dollars (\$3) per horse power, and such charges shall be in

addition to any charge made against the building or premises in which said boiler or boilers may be contained for the use of the water therein for any other purpose.

Ord. 125, July 5, 1904.

57. The water for the use of hydraulic elevators where the return tank system is not used, shall be at the rate of sixty cents per one thousand cubic feet, and the board shall have the right if in its judgment the state of the water supply requires it, to refuse to supply water for hydraulic elevators, unless the return tank system is used.

Hydraulic elevators.

Ords. 118, 119, 120, February 2, 1903. Ord. 122, February 26, 1903.
Ord. 123, March 16, 1903. Ord. 125, March 18, 1903. Ords. 126,
128, 129, 131, March 19, 1903. Ord. 140, April 9, 1903. Ord.
125, July 5, 1904.

58. For all orphan asylums, reformatories, homes, for the aged, homes for the fallen, hospitals, dispensaries and other charitable institutions which give free care or treatment to over two-thirds of their inmates or patients, a rate of seven and one-half cents per one thousand cubic feet.

Charitable institutions where over two-thirds of inmates are free.

Ord. 125, July 5, 1904.

59. For all the above institutions which give free care or treatment to between one-third and two-thirds of their inmates or patients, a rate of fifteen cents per one thousand cubic feet.

Same, where between one-third and two-thirds of inmates are free.

Ord. 125, July 5, 1904.

60. For all of the above institutions which give free care or treatment to some but not less than one-third of their inmates or patients, a rate of twenty-two and one-half cents per one thousand cubic feet.

Same, where not less than one-third of inmates are free.

Ord. 125, July 5, 1904.

61. For all of the above institutions which give no free care or treatment to any inmates or patients, a rate of thirty cents per thousand cubic feet.

Same, no free inmates.

Res. 39, March 19, 1903. Ord. 125, July 5, 1904.

Churches and
other relig-
ious cor-
porations.

62. For all churches, missions, Christian associations, church settlements, temperance unions, deaconess homes and other religious institutions used as such, not schools, academies or colleges, a rate of thirty cents per thousand cubic feet.

Ord. 19, December 24, 1901. Ord. 127, March 19, 1903. Ord. 125, July 5, 1904.

Schools, etc.

63. For all schools, academies, colleges and universities, a rate of thirty-seven and one-half cents per thousand cubic feet.

Ord. 125, July 5, 1904.

Measurement
of water.

64. The water used under the provisions of this sub-division of this Article shall be measured by a water meter, furnished by the Water Department.

Ord. 125, July 5, 1904.

What "free
care" means.

65. Free care or treatment of inmates or patients must be shown to be absolutely without charge to the inmates or patients themselves, their guardians, relatives or friends, or to their employes or to the State or city.

Ord. 125, July 5, 1904.

Water Board to
fix rates for
said institu-
tions.

66. In determining the rate to be paid under the provisions of this sub-division of this Article by any of the institutions above mentioned, the rate for each year shall be fixed by the Water Board at the beginning of each year, and it shall be based upon the sworn statement of the governing boards or officials of these institutions as to the proportion of absolutely free inmates or patients received or treated as above described, during the preceding year and such action of the Water Board shall be final.

Ord. 90, October 10, 1883. City Code, (1893) Art. 54, Sec. 70. Ord.
15, March 18, 1895. Ord. 125, July 5, 1904.

67. A tax of one cent on every one hundred dollars' (\$100) worth of assessable property in the city of Baltimore and in like proportion for any greater or less amount, shall be annually levied and imposed for the payment of the charges made by the Water Board against the Mayor and City Council of Baltimore for the use of water in any of the departments of the city government, embracing the City Hall, City Jail, Bay View Asylum, market houses, market halls, public schools, engine houses, public parks or squares, Court House, sub-department of the Harbor Board, House of Refuge, Fire Department for extinguishing fires, and all other uses and exemptions ordered by the Mayor and City Council of Baltimore.

Tax levied for water used by corporation.

Ord. 125, July 5, 1904.

68. For the use of water for any purpose except for the purpose and in buildings of the character above designated, whether such water be used within said buildings or outside thereof, the charges shall be at such rates and shall be ascertained in such manner, and the water shall be used upon such terms and conditions as the Water Board shall prescribe, and full power and authority is hereby delegated to said board to assess and establish fixed annual charges for the use of water in said buildings and to charge the same if it is deemed advisable, and to determine the terms from year to year and the conditions upon which the same may be used; provided, that such fixed charges or rates, if and when established shall be uniform for all individuals, firms or corporations engaged in the same class or description of business or occupation; and provided further that if the said board in any case shall deem proper and advisable, it shall have full power and authority to install in any of said buildings proper water meters, and to ascertain by said meters, the amount of water used; and such meter rates shall be in lieu and instead of any fixed charge for water used in such buildings, save only the charge for the steam boilers

Rates for water used for purposes other than those mentioned above.

Board to assess such rates.

Rates to be uniform.

Water Board may adopt meter rates.

Exceptions. hereinbefore provided for, which shall be in addition to said meter charges, and the charge for hydraulic elevators shall be at the rate above prescribed.

Ord. 125, July 5, 1904.

Water bills to
be collected
quarterly.

69. The bills for water used or work done by the sub-department of the Water Board to be collected quarterly by the Collector of Water Rents and Licenses, and bills therefor shall be paid within ten days after the same are due, or the Water Engineer shall cut off the supply.

Ord. 125, July 5, 1904.

Water Board
may abate
charges.

70. The Water Board shall have full power and authority to abate any charge for water made against any property, whether the same be made by meter, fixed charge or otherwise, whenever the said board in its discretion may for any cause deem such abatement proper and advisable, and said abatement may in the discretion of said board be of the whole or any part of the charge so made and upon such terms and conditions as said board may deem advisable and may prescribe.

Ord. 125, July 5, 1904.

Water Board
may prevent
waste of
water.

71. The Water Board is hereby authorized to temporarily suspend and prohibit the use of water for washing pavements, streets, etc., when in its judgment the state of the water supply requires that the same be done, and any person, who after notice from the Water Board to cease using water for washing pavements, streets, etc., shall use a hose attachment therefor, shall upon arrest and conviction pay a fine not exceeding five dollars.

Penalty.

Ord. 125, July 5, 1904.

Rates for water
furnished
outside of
city limits.

72. For water furnished beyond the limits of the city of Baltimore, the rates and charges provided for by this sub-division of this Article shall be paid in accordance with the uses to which said water may be put; provided, however, that the Water Board may in its discretion increase

such rates and charges for water furnished outside the city limits beyond the rates charged for water used for the same purposes as in the city limits, if in its discretion it considers such increase advisable and in such case the amount of such increase shall be in the discretion of the Water Board.

Ord. 125, July 5, 1904. Ord. 102, March 27, 1906.

73. Nothing in this sub-division of this Article contained shall be construed as conferring any power or authority upon the Water Board to impose or collect charges for the water used in connection with cellar drainers in buildings used or occupied as private dwellings, but the Water Board is hereby authorized to prohibit the installation of any non-automatic cellar drainer in any premises, the owner of which may in the future desire to install a cellar drainer.

Proviso relating to cellar drainers in private dwellings.

Vehicles, Boats and Scows.

City Code, (1879) Art. 8, Sec. 26. City Code, (1893) Art. 8, Sec. 27.

74. It shall be the duty of the Mayor to withdraw the license from any vehicle licensed by the city, the driver of which shall violate a second time any of the provisions of this Article regulating the speed of horses and vehicles.

Revocation of license.

City Code, (1879) Art. 8, Sec. 27. City Code, (1893) Art. 8, Sec. 28.

75. The Collector of Water Rents and Licenses shall issue all licenses for and numbers of carriages, wagons and other vehicles, boats and scows as enumerated in the succeeding section, he accounting with the Comptroller for the same.

Collector of Water Rents and Licenses to issue licenses therefor.

Ord. 4, April 4, 1891. City Code, (1893) Art. 8, Sec. 29.

76. All hackney coaches, buggies, cabs and gigs, kept for hire, and all wagons, furniture carriages, carts, drays, package carts, boats (other than open rowboats, of every

Vehicles to be numbered and licensed.

description) and scows, owned or commonly used or employed in the city, shall be numbered with plain conspicuous figures, on plates of tin, to be provided as hereinafter directed, to begin with number one and so on progressively, and the owner or owners of such carriages, boats or scows, shall annually appear at the office of the Collector of Water Rents and Licenses, and have entered in a book kept for that purpose, his or her name, place of abode, and the description of every such carriage, boat or scow by him or her owned, and the number thereon to be affixed, and such owner or owners shall take out a license containing his, her or their number, and signed by the Collector of Water Rents and Licenses, with the seal of the city thereto affixed, and no owner shall be permitted to use or employ, or let for hire on any street, lane or alley, nor in any water within the city, any hackney coach, buggy, cab or gig, kept for hire, wagon, furniture carriage, cart, dray, package cart, boat (other than an open row-boat) or scow, until he, she or they shall first comply with the regulations herein contained; and should any holder or owner thereof use or employ any such carriage, boat or scow within the city, before he, she or they shall have fully complied with the requirements of this sub-division of this Article and the regulations herein contained he, she or they shall be liable to forfeit and pay for every such offence a fine of five dollars.

See, decision of Brown, C. J., City Court, March 21, 1874, *in re*, Frederick *v.* Mayor, etc.

Ord. 22, April 4, 1891. City Code, (1893) Art. 8, Sec. 30.

Termination of
license.

77. All licenses shall terminate on the first day of January in each year, but the holder of a license can at any time between that time and the expiration of the first week in January, take out a new license without being subject to the penalty imposed by section 76 hereof.

Ord. 22, April 4, 1891. City Code, (1893) Art. 8, Sec. 31.

Tin plates with
numbers to
be provided.

78. It shall be the duty of the Collector of Water Rents and Licenses, annually, on or before the first day of Jan-

uary in each and every year, to purchase a sufficient number of tin plates, numbered with plain conspicuous figures, beginning with number one, and so on progressively, two of each to correspond with the number of the carriage, boat or scow, and also to purchase suitable dies for the arithmetical numbers, and the figures standing for the date of the year in which said numbers were issued shall be stamped on the top of each numbered plate; the said plate to be of suitable size and description in the discretion of the Collector of Water Rents and Licenses, and to be paid for out of the appropriation to the Collector of Water Rents and Licenses in the annual ordinance of estimates; and it shall be the duty of the Collector of Water Rents and Licenses to furnish for each licensed carriage, boat or scow, two of said tin plates, with number corresponding with the number of the license, and the record of said carriage, boat or scow, which numbered plates shall be fastened on each side of and the most conspicuous part of such carriage, boat or scow, so that the numbers may be plainly seen, under a penalty of two dollars. The Collector of Water Rents and Licenses shall furnish to those who take out private carriage licenses, a single number, painted upon a tin plate that shall not measure more than 2 3-4 x 2 inches, which number shall be placed upon the hindermost part of the hind axle of the carriage by the owner or owners thereof.

Where numbers are to be placed.

Ord. 22, April 4, 1891. City Code, (1893) Art. 8, Sec. 32.

79. All persons who take out licenses under sections 76 to 78 of this Article are hereby authorized to provide numbers for their carriages, wagons and other vehicles, of such design as to them may seem proper, such numbers to conform with their license, the same to be in a conspicuous place; provided that the number furnished by the Collector of Water Rents and Licenses be nevertheless attached to such carriage or wagon in such place inside the carriage or wagon as he may direct. All persons availing themselves of the privileges of this section can retain the same number from year to year by annual notice to the Collector of

Owners may also provide numbers.

Water Rents and Licenses previous to the expiration of the first week in January of each year, and those desiring to retain their old numbers may do so by similar notice.

Ord. 22, April 4, 1891. City Code, (1893) Art. 8, Sec. 33.

Rates of
licenses.

80. The owner or owners of any carriage, boat or scow, obtaining a license therefor, shall pay the Collector of Water Rents and Licenses, for the use of the city, for every hackney coach, cab or other pleasure carriage kept for hire, and drawn by two horses, five dollars for the annual license; for every hackney coach, cab or other pleasure carriage kept for hire, and drawn by one horse, three dollars for the annual license; for every wagon or vehicle of any kind, drawn by more than three horses or mules, ten dollars for the annual license; for every wagon, cart, or other carriage of burden, drawn by one (1) horse or mule, two dollars, and for each additional horse or mule, the sum of two dollars each; for each boat (other than an open rowboat) or scow, two dollars for the annual license; for every package cart, one dollar for the annual license; transfers of any of these licenses must be made at the office of the Collector of Water Rents and Licenses and no charge must be made therefor.

City Code, (1879) Art. 8, Sec. 33. City Code, (1893) Art. 8, Sec. 34.

False entry or
change of
number.

81. If any person shall cause or procure a false entry to be made of any carriage, boat or scow, or after a true entry, shall alter the number of his carriage, boat or scow, thus registered, or not having a license, shall permit a number to be fixed to or remain on his or her carriage, boat or scow, he or she shall forfeit and pay for every such offence the sum of twenty dollars.

NOTE.—As to limitation upon powers of a municipal corporation to fix license fees, *see*, *Vansant v. Harlem Stage Coach Co.*, 59 Md. 330. *Mason v. Cumberland*, 99 Md. 451.

City Code, (1879) Art. 8, Sec. 34. City Code, (1893) Art. 8, Sec. 35.

82. No owner of any carriage shall use the same in carrying or transporting any person or persons within the said city for hire or pay, unless such owner shall appear at the office of the Collector of Water Rents and Licenses and make entry and take out license as aforesaid, and number such carriage on the middle panel or other conspicuous place, of each side, with plain and conspicuous figures, and the same renew annually; and such owner shall be subject to all other rules and regulations herein contained as well as such rules and regulations as are contained in Article 4 of this Code respecting wagoners, carters, and draymen, and shall be liable to the same forfeitures and penalties upon the non-compliance with or violation of any such rules or regulations.

Use without
license pro-
hibited.

City Code, (1879) Art. 8, Sec. 35. City Code, (1893) Art. 8, Sec. 36.

83. It shall not be lawful for the owner or owners of any carriage, wagon, cart, dray, package cart, furniture wagon, boat or scow, to retain or suffer to be placed on any such vehicle any other number than one corresponding with the license for the same, and any person or persons violating the provisions of this section, shall be subject to a fine of three dollars.

Number and
license to
correspond.

Ord. 22, April 4, 1891. City Code, (1893) Art. 8, Sec. 37.

84. It shall be the duty of the Collector of Water Rents and Licenses to notify all persons annually of the necessity of attending to the provisions of sections 76 to 83, inclusive, of this Article, by an appropriate advertisement for ten days previous to first day of January inserted in all the daily papers of the city, and of the privileges accorded by section 79 of this Article by advertising the same annually for five days previous to December 20th, in all the daily papers of the city.

Advertisement
by Collector
of Water
Rents and
Licenses.

Women's Merchandise Licenses.

Ord. 30, April 15, 1879. City Code, (1893) Art. 35, Sec. 39.

Sales by poor
women
whose stock
does not
exceed \$40.

85. Nothing in this Article contained, forbidding the sale of any manufactured goods, wares or merchandise, within the limits of the markets, shall be construed to extend or apply to any poor woman, *bona fide* engaged in the business on her own account, whose stock in trade, offered for sale in the limits aforesaid, shall at no time exceed at cost price the sum of forty dollars; provided, such woman shall have procured a license therefor from the Collector of Water Rents and Licenses of the city, and shall have paid for such license the sum of five dollars as the annual rate thereof; and provided further, that the said woman shall be the vender of her own goods, but may, during her temporary physical disability, substitute some one person for the service, who shall act for her during her absence caused by such indisposition; and provided further, that if she shall employ any person, except in the manner aforesaid, the clerk of the market shall report the same to the Collector of Water Rents and Licenses of the city, who may cancel the license aforesaid; the clerk of the market may also, if to him it shall appear that the stock of goods shall at any time exceed in value, at the cost price, the sum of forty dollars, select two disinterested parties, engaged in the same line of business, to appraise the value of said stock of goods, and if at market rates said stock shall exceed the limit aforesaid, the fact shall be communicated to the Collector of Water Rents and Licenses, who may revoke the license. For a violation of any of the provisions of this section, the party so offending shall be subject to a fine of twenty dollars for each day such violation may be continued.

FINES AND PENALTIES.

Recovery of
fines and
penalties.

86. All fines and penalties incurred by any violation of this Article for the recovery of which no provision is made herein, shall be recovered as other fines and penalties imposed by ordinance are recoverable, and when collected shall be paid to the Comptroller.

EFFECT OF THIS CODE.

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|---|--|
| <p>1. Code not to impair vested rights; repealable or revocable rights unaffected; no contract, obligation, duty, etc., to be released or discharged; suits and actions not to abate; no tax levied or proceeding taken heretofore to be affected by this Code; same thing to be true in relation to loans.</p> | <p>2. What laws, ordinances and resolutions are embraced in this Code; laws and ordinances excluded; status of temporary public ordinances, quasi-public and private ordinances and resolutions.</p> |
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EFFECT OF THIS CODE DEFINED.

1. No provision of this Code shall affect or impair, or be construed by implication to affect or impair, any right vested or acquired and existing at the time of its adoption; provided that this section shall not be construed to make irrevocable or irrevocable any right, which, before the passage or adoption of this Code was repealable or revocable; nor shall any provision of this Code impair, discharge or release, or be construed to impair, discharge or release, any contract, obligation, duty, liability, penalty or forfeiture whatever now existing. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action existing at the adoption of this Code, or offences already committed against any ordinance or resolution repealed or superseded by the provisions of this Code, shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Code had never been adopted. No tax levied or proceeding taken for the collection of any such tax, or the enforcement of the payment of the same, before the adoption of this Code, shall in any manner be affected by the adoption of this Code, and the mode of procedure in any such matter shall be the same as if this Code had never been adopted, and the same thing shall be true of any special ordinance or resolution relating to loans passed before the adoption of this Code.

Code not to impair vested rights.

Repealable or revocable rights unaffected.

No contract, obligation, duty, etc., to be released or discharged.

Suits and actions not to abate.

No tax levied or proceeding taken heretofore to be affected.

Loans.

What laws, ordinances and resolutions are embraced in this Code. **2.** This Code is a compilation of public local laws relating or applicable to the Mayor and City Council of Baltimore and public general ordinances and resolutions of the Mayor and City Council of Baltimore, and does not include laws, ordinances and resolutions of a quasi-public, private or temporary nature; all ordinances and resolutions of the Mayor and City Council of Baltimore, in force and effect at the adoption of this Code of a quasi-public, private or temporary nature and not inconsistent with or repugnant to any of the provisions of this Code, shall have the same force and effect as if this Code had never been adopted.

Laws and ordinances excluded.

Status of temporary public ordinances, quasi-public and private ordinances and resolutions.

APPENDIXES.

APPENDIX A.

BURNT DISTRICT COMMISSION.

Appointment, Duties, Powers and Proceedings.

1. Appointment of Commission; of whom constituted; eligibility for appointment to Commission; removal; vacancies; salaries; quorum; to elect chairman; his duties; secretary; his salary; duties of secretary; records of Commission to be public; employment of assistants; offices; expense of certain assistance to City Solicitor to be included in expenses of Commission.
2. Powers and duties of Commission.
3. Additional powers to be granted by municipality.
4. Proceedings of Commission; to prepare map of burnt district and improvements proposed; city officers to assist Commission; Commission to report to Board of Estimates and Board of Public Improvements; said boards to act on all reports as joint body; when reports approved, to widen, straighten and open streets, etc.; to extend wharves and docks; acquisition of property for improvements; to amend previous reports and make additional reports.

Acquisition of Lands.

5. Mayor and City Council through agency of Commission to acquire lands.

6. Validity of conveyance of land acquired by gift or surrender; conditions of such acquisition; benefits to be released in case of gift.

Appeals.

7. Right of appeal from decision of Commission.

Procedure in Making Improvements.

8. Course of procedure in making improvements; Commission to advertise notice of its meetings to assess damages and benefits; awarding compensation to owners of lands in burnt district; assessing benefits to same; payment by Commission of damages, purchase price and expenses not to relieve party from whom due; exceptions as to additions to basin or harbor.
9. Procedure when owner of lot, a portion of which is taken, claims compensation for the whole; sale of such lot; re-sale.
10. Commission to advertise statement of contemplated improvements; meeting of Commission to review matters in statement; closing review; to deposit corrected statement with City Register.
11. Clerk of Commission to serve individual notice upon all parties interested.

12. Rights of parties dissatisfied with award of damages or benefits; appeal in writing to Baltimore City Court; court to try all questions of fact; court to cause record to be made of proceedings; other powers of the court in the premises.

Collection of Benefits Assessed.

13. City Collector to notify parties assessed for benefits; such assessment to constitute a lien.
14. City Collector to sell property when assessment of benefits not paid.
15. All such sales to be made in same manner as sales for failure to pay taxes; re-sale.
16. City Collector to execute deed of conveyance when such sale made.

Special Provisions.

17. No property to be taken until damages are paid or an equivalent amount invested in city stock.
18. Any person may pay the sum assessed and such payment to vest a lien in such person.
19. Appointment of temporary Commissioner where member of Commission is interested in property.
20. Commission to discriminate between fee simple and leasehold interests.
21. Obstructions to be removed by Commission and expense thereof to be collected in suit by Mayor and City Council.

Expenses of Commission.

22. City Register to pay expenses upon presentation of vouchers.

Further Duties.

23. On completion of work on each street, etc., Commission to deposit records thereof with City Register; other duties of Commission.

Title of City to Property Acquired.

24. All streets conveyed to city under this Act to be public highways.

Assignment of Damages.

25. Sums of money to be paid to interested parties as damages may be assigned to city in lieu of benefits due city.

Benefits.

26. Benefits to off-set damages in condemnation of property.

Light and Pratt Streets.

27. Providing for filling up basin.

Powers in Closing Streets.

28. Commission may proceed under this Act or under powers of Commissioners for Opening Streets, or under special ordinance; agreements made with interested parties.

Appropriations to Defray Expenses of Commission.

29. Municipality empowered to appropriate money; from what source to be appropriated; appropriation to be placed to the credit of "Burnt District Fund."

Boundaries of Burnt District.

30. Boundaries defined.

Powers of City Engineer and Commissioner of Street Cleaning.

31. To remain unchanged when not in conflict with this Act; disposition of records and maps as work is completed.

Burnt District Improvement Loan.

32. Authority to issue stock not exceeding six million dollars; ordinance providing for such issue to be approved by people.

Conveyance of State Lands in Burnt District.

33. Authority of Governor, Comptroller of the Treasury and Treasurer to convey to Commission.

34. May convey to city all property required in widening Light Street; to execute deeds for same; application of funds from sale thereof.

Damages for Establishments and Changes of Grade.

35. Commissioners for Opening Streets to award such damages and to assess benefits; no compensation for sidewalk alterations or any alterations beyond building line.
36. Fund from which such damages to be paid.
37. Discount for early payment of benefit assessments.

BURNT DISTRICT COMMISSION.*Appointments, Duties, Powers and Proceedings.*

1904, ch. 87, Sec. 1.

Appointment
of "Burnt
District
Commis-
sion."

1. The Mayor of the city of Baltimore is hereby authorized to appoint at once, in the manner prescribed in section 25 of Article 4, entitled "City of Baltimore," of the Public Local Laws of Maryland, and subject to the condition that two of the appointees shall be members of the minority party within the meaning of section 30 of said Article, four capable and upright citizens of the city of Baltimore, who, together with the Mayor, himself *ex-officio*, shall constitute a Special Commission, to be known as "The Burnt District Commission," and who shall continue in office until the work of said Commission has been completed. If, however, the Second Branch of the City Council of Baltimore shall reject two several and successive nominations by the Mayor to position on said Commission, he shall be empowered to make an appointment thereto without its confirmation. No municipal officer, or other officer of the Mayor and City Council of Baltimore, whether holding a paid or unpaid office or position under the said corporation, shall be eligible for appointment to said Commission, and

Eligibility of
said board.

all persons appointed to said Commission shall qualify and be subject to removal by the Mayor, except that there shall be no removal at any time save for cause, after charges preferred, as prescribed by section 25 of Article 4, entitled "City of Baltimore," of the Public Local Laws of Maryland. Any member of said Commission may, at any time, resign therefrom by tendering his resignation, in writing, to the Mayor; and any vacancy in said Commission occasioned by his resignation, removal, death or permanent absence from this State of the incumbent or by supervening incapacity upon his part, whether physical or mental, to discharge his duties, or by any other cause operating such vacancy, either actually or in effect, shall be filled by the Mayor in the manner and subject to all the conditions as to minority representation and removal hereinbefore provided for as to original appointees to said Commission. The members of said Commission other than the Mayor shall receive compensation for their services at the rate of three thousand five hundred dollars per annum, except the chairman thereof, who shall receive compensation at the rate of four thousand dollars per annum. A majority of the members of said Commission shall be a lawful quorum for the transaction of business. So soon as the appointive members of said Commission shall have qualified they shall, with the Mayor acting as a member of said Commission *ex-officio*, organize by the election of one of the members of said Commission as chairman of said Commission, who shall be removable at pleasure by said Commission, and shall preside over the meetings of said Commission and perform such other duties as are imposed on him by this Act or may be assigned to him by said Commission; and by the election of a secretary, not a member of said Commission, who shall be removable at pleasure by said Commission, shall receive such compensation as it may determine, not exceeding the sum of two thousand dollars per annum, and shall enter in a well-bound book or books and carefully preserve neat, legible and accurate minutes of all meetings and record of all proceedings of said Commission, and make true copies of all notices by said Commission directed to be published,

Salaries.

Chairman's
duties.

Employment
of assistants.

and of the certificates of the publication thereof, and perform such other duties as usually appertain to the office of secretary of a private corporation, or as are imposed on him by this Act, or as may be assigned to him by said Commission; all records of said Commission shall be public records, and it shall semi-annually make to the Mayor a detailed report of its official transactions and of all its expenditures. And said Commission may employ an engineer, city surveyor and such agents, assistants, clerks, employes and laborers, skilled and unskilled, as it may deem requisite for the performance of the duties and the execution of the powers imposed and conferred on it by this Act, and shall fix their respective compensations, and shall have power to remove or discharge them at its pleasure. The Mayor and City Council of Baltimore shall provide proper offices for said Commission. Said Commission shall include in its expenditures and certify to the proper city authority or authorities any amounts due to such conveyancers and assistants as the City Solicitor may employ, in addition to the ordinary force of his office, for the purpose of examining such titles to property and rights as the work of said Commission may render necessary and proper to be examined, and of recording the abstracts of such titles; which said conveyancers and assistants the City Solicitor is hereby authorized to employ at such rates of compensation as he shall agree upon, and to discharge at pleasure.

1904, ch. 87, Sec. 2.

Duties of the
Commission.

2. Said Commission shall have the following powers and be charged with the following duties: (1) To lay out, open, extend, widen, straighten or close any street, lane or alley, or any part thereof, in said burnt district. (2) To establish and fix the building line and the width of the sidewalks on any street, lane or alley now existing or to be laid out, opened, extended, widened or straightened in said burnt district. (3) To open public squares and market spaces in said burnt district; and (4) to lay out additions and extensions to be made to the public wharves and

docks of Baltimore city, and to be made to the basin or harbor of the city of Baltimore, and to acquire for and in the name of the Mayor and City Council of Baltimore the lands and property within said Burnt District which may be requisite to make such additions and extensions, and to define the extent to which said harbor or basin is to be filled in in said burnt district. And said Commission shall have all powers necessary and proper to the exercise of said powers.

1904, ch. 87, Sec. 3.

3. In executing the powers conferred on said Commission by section 2 of this Act, and in making the changes, additions and improvements set out in any report or reports, and map or maps, approved as provided in this Act, the said Commission shall have such powers, in addition to those herein granted, as may be conferred upon it by any lawful ordinance or ordinances of the Mayor and City Council of Baltimore, which ordinance or ordinances the Mayor and City Council is hereby fully authorized to adopt; provided, no such ordinance or ordinances shall deprive said Commission of any powers conferred on it by this Act.

Extra powers
to be granted
by municipi-
pality.

1904, ch. 87, Sec. 4.

4. The method of proceeding of said Commission shall be as follows: Immediately on its appointment and organization and as soon as provision has been made by ordinance for the expenses of said Commission, it shall cause to be prepared on such scale as it may determine a map or maps of said burnt district or of any part thereof. It shall promptly proceed to lay down on said map or maps and to locate on the ground (1) the streets, lanes and alleys which it proposes to lay out, open, extend, widen, straighten or close within the territory covered by said map or maps. (2) The building lines and the width of all sidewalks which it proposes to establish or fix within the territory covered by said map or maps. (3) The public

Proceedings of
said Com-
mission

squares and market places which it proposes to establish and open within the territory covered by said map or maps. (4) The additions and extensions which it proposes to make to the public wharves and docks, and to the basin or harbor of the city of Baltimore within the territory covered by said map or maps; or any one or more of said changes, additions and improvements. The Mayor of said city is hereby authorized to direct any officer, agent, employe or board of the Mayor and City Council of Baltimore to furnish such maps and information and to give such assistance as may be requisite to enable said Commission to have prepared such map or maps and put such proposed changes, additions or improvements on them, and to give such assistance as said Commission may require to carry into effect its work under this Act. Said Commission shall promptly make a detailed report, accompanied by such map or maps to the Board of Estimates and the Board of Public Improvements of said city acting as a joint body. And such Board of Estimates and Board of Public Improvements are hereby constituted a joint body for the purpose of considering said report or reports, proposed changes, additions and improvements, and are hereby authorized to act as said joint body. Any person who is a member of both of said boards shall have only one vote in the joint body. Said joint body shall immediately meet on receiving said report or reports and shall give immediate consideration to said report or reports, or proposed changes, additions and improvements, and may approve or disapprove the same, or may suggest to said Commission any modification or changes thereof, and unless the same or some modification thereof shall be agreed upon between said Burnt District Commission and said board, such plan or part of the plan upon which no agreement shall be reached shall fail of effect. When the said report or reports and map or maps as originally submitted or as modified on such suggestions or proposed changes, has been approved by said joint body, the same shall be by said joint body forthwith transmitted to either Branch of the City Council, and when the whole or parts thereof shall have been approved by ordinance or resolu-

City boards to
act on all
reports.

tion of the Mayor and City Council of Baltimore, and appropriations shall have been made for a part of the whole of the expense to be incurred in carrying out the parts so approved, said Commission shall immediately proceed to (1) lay out, open, extend, widen, straighten and close the several streets, lanes and alleys; (2) and to establish and fix the building lines and sidewalks; (3) and to open and establish the public squares and market spaces; (4) and to provide for such additions or extensions to the basin or harbor of the city of Baltimore and to the public wharves and docks, as all of said changes, additions and improvements are shown on or by said report or reports, or said map or maps which have been so approved by ordinance or resolution of the Mayor and City Council of Baltimore and for which appropriations have been made as aforesaid, and said Commission shall promptly lay down or locate all such changes, additions or improvements. And said Commission, in order to accomplish this work shall promptly proceed to acquire in the name of the Mayor and City Council of Baltimore, and by the methods in this Act provided, such lands, interests, rights, franchises, privileges or easements as may be requisite to open, extend, widen or straighten any of said streets, lanes or alleys; and to establish and fix said building line and the width of said sidewalks, and to establish and open said public squares and market spaces and to make such additions and extensions to the public wharves and docks and to the basin or harbor of Baltimore. The said Commission may, at any time, make additional report or reports, accompanied by map or maps, and may, at any time, amend any of its reports accompanied by a map or maps; subject, however, to the approval of the majority of the said joint body, composed as hereinbefore provided, and of the Mayor and City Council by ordinance; and such additional or amended report or reports shall, when approved in the manner aforementioned, be as valid for the purposes of this Act as said original report or reports and map or maps. And such amendments and additions shall be made in no other way except as herein prescribed.

To widen,
straighten
and open
streets, etc.

Wharves and
docks.

Acquisition of
property.

Commission to
amend previ-
ous reports.

Acquisition of Lands.

1904, ch. 87, Sec. 5.

City to
acquire lands
by gift, pur-
chase, etc.

5. The Mayor and City Council of Baltimore, acting by and through the agency of said Burnt District Commission, may acquire, by gift, purchase, lease, whatever the duration of the lease, or by other methods of acquisition, or by condemnation, any private property, rights or interests, franchises, privileges or easements that may be required to open, widen, extend, straighten or close any street, lane or alley, or to broaden any sidewalk or to open any public square or market space, or to make any addition to the basin or harbor, or to the public wharves or docks, as shown by said report or additional or amended report or reports, and map or maps accompanying; or which may be required in the execution of the powers and the performance of the duties vested or imposed on said Commission by this Act.

1904, ch. 87, Sec. 6.

Validity of
conveyance.

6. When said Commission shall purchase or acquire, by gift or surrender, any land or property for the purpose of executing the powers conferred on it by section 2 of this Act, it may, so soon as the title thereto has been certified by the City Solicitor, have the same conveyed to the Mayor and City Council of Baltimore, and no ordinance shall be requisite to the validity of such conveyance; it being the intention of this Act that said Commission shall have the full and absolute authority to agree with the owner or owners upon all the terms of such gift, purchase or other voluntary alienation, including the purchase price or consideration in the case of such purchase or other voluntary alienation; and the owner or owners of any land or property, to be acquired for any of the purposes aforesaid, who shall, in writing, authorize said Commission, or the Mayor and City Council of Baltimore, to enter on or possess said land or property before just compensation has been assessed and paid, or tendered, shall thereafter place no obstruction nor erect any structures or building or improvements on

said land or property, except by the permission of said Commission; but such authority shall in no way be construed to deprive said owner or owners of the right to receive just compensation or damages for his, her or their lands or property aforesaid, when such compensation or damages shall have been assessed, as herein provided, and become payable. In case of any such gift, the said Commission, to the extent of the value which it may place on the land or property so given, shall release any benefits assessed against any of the property belonging to any owner who shall make such gift. Benefits to be released.

Appeals.

1904, ch. 87, Sec. 7.

7. The proceedings or course of proceedings in any case or cases, where resort is had to condemnation or to assessing damages, and benefits in the laying out, opening, widening, extending or straightening of any street, lane or alley, or in opening any public square or market space, or in fixing any building line or the width of any sidewalk, or in making any addition or extension to the basin or harbor or public wharves and docks of Baltimore city, may be such as may be provided for the very purposes by lawful ordinance or ordinances of said Mayor and City Council of Baltimore, which said ordinance or ordinances the Mayor and City Council of Baltimore is hereby fully authorized to adopt; provided, that provision is made therein for reasonable notice to the person or persons in whose favor such damages are to be assessed, or against whom such benefits are to be assessed; and, provided, that provision be made for appeals to the Baltimore City Court, including the right of appeal to the Court of Appeals, by any person or persons interested, including the Mayor and City Council of Baltimore, from the decision of said Commission in valuing or fixing said damages and benefits; or such proceeding or course of procedure may, at the option of said Commission, be that hereinafter by this Act provided. Right of appeal from decision of Commission.

Procedure in Making Improvements.

1904, ch. 87, Sec. 8.

Course of procedure in making improvements.

8. The proceedings or course of procedure of the said Burnt District Commission with regard to laying out, opening, extending, widening, or straightening of any street, lane, alley or public square or market space or in fixing any building line or width of any sidewalk, or in making any additions to the basin or harbor, or to the public wharves and docks, under the provisions of this Act, shall be as follows: Whenever any plan or plans for the laying out, opening, extending, widening or straightening of any street, lane, alley or public square or market space, or for fixing any building line or the width of any sidewalk, or for any addition to the basin or harbor, or extension to any public wharves or docks in the said burnt district, shall have been approved by the joint body and the Mayor and City Council of Baltimore, and appropriations made as hereinbefore provided, the said Commission, having given two weeks' notice, by advertisement, inserted twice a week in two daily newspapers published in the city of Baltimore, of the time and place of the meeting of said Commission, and of the street or streets, lane or lanes, alley or alleys, or square or squares, or market space or market spaces which it is proposed to lay out, open, extend, widen, or straighten, and of the dimensions or extent to which it is proposed to lay out, open, extend, widen or straighten such and each of such streets, lanes, alleys or squares or market spaces, and of the building lines and width of sidewalks it proposes to fix or establish, or of any additions or extensions it proposes to make to the harbor or basin of Baltimore, or to the public wharves or docks of Baltimore city, and of the dimensions or extent of the addition or extension it is proposed to make, shall meet at the time and place mentioned in said notice, and from time to time thereafter, as may be necessary to exercise the powers and perform the duties required of it under the provisions of this Act, and shall ascertain whether any and what amount in value of damage will thereby be caused to the owner of any right or interest in any ground

Extent of addition.

or improvement within said burnt district, for which, taking into consideration all advantages and disadvantages, such owner ought to be compensated, and the said Commission, having ascertained the whole amount of damages, for which compensation ought to be awarded, as aforesaid upon any and each of the streets, lanes, alleys, squares or market spaces in said burnt district, so, as aforesaid, to be laid out, opened, extended, widened or straightened in the said burnt district, and so, as aforesaid, to be made; and having added thereto the amount or amounts which it has paid, or agreed to pay, for any land or property purchased by it for the Mayor and City Council of Baltimore upon the street, lane alley, square or market space on which it has estimated, as aforesaid, the whole amount of damages, for which compensation ought to be awarded, and having also added thereto an estimate of the probable amount of the proportion of expenses which will be incurred by them in the performance of the duties required of them as aforesaid, including a ratable proportion of the expenses of said Commission; and also of the expenses incurred by the City Register by reason of said proceedings in respect of the said streets, lanes, alleys, squares or market spaces, respectively, shall proceed to assess one-third of the said total amount upon all the ground and improvements, if any, within or outside of the said burnt district, the owners of which, as such, the said Commission shall decide and deem, to be directly benefited by accomplishing the object; provided, the amount of said benefits shall be equal to one-third of the said total amount hereinbefore mentioned, and if not, then to the amount of such benefits and all the remainder of the said total amount shall be assessed upon and paid by the Mayor and City Council of Baltimore. But the Mayor and City Council of Baltimore, acting through said Commission, may pay or tender the entire amount of said damages, purchase prices and expenses, to whom the same may be payable, and the persons or property against whom or which such proportions of said benefits are assessed, shall not by such payment or tender be released from paying such proportion of benefits as may be assessed against them or it respectively, but shall be

Awarding compensation to owners of land in burnt district.

Damages, purchase prices and expenses.

liable to pay the same on the terms hereinafter provided. The above apportionment of benefits between the Mayor and City Council of Baltimore and the owner or owners of lots affected thereby shall not be made in the case of additions to the basin or harbor of Baltimore, or to public wharves or docks; but no benefits shall be assessed for such additions or extensions, and the Mayor and City Council of Baltimore shall pay all the damages, purchase prices and expenses assessed for, agreed upon or arising from such additions or extensions.

Baltimore City *v.* Latrobe, 101 Md. 625.

1904, ch. 87, Sec. 9. 1906, ch. 108.

Claims of owner or owners of portions of lots.

9. In every case when it shall be necessary, in order to effect the objects proposed in laying out, opening, widening, extending or straightening in whole or in part, any street, lane, alley or market space or square, or in establishing any building line or the width of any sidewalk, or in making any addition or extension to the basin or harbor, or to the public wharves or docks, that a portion only of a lot or of a lot and improvements shall be taken, used or destroyed, and the owner or owners thereof shall claim to be compensated for the whole, the said Commission may, in such cases, if they deem it best, and not otherwise, accept a surrender in writing of the whole of said lot, or the whole of said lot and improvements, or the whole of said improvements, if any, from said owner or owners in which event the said Commission shall ascertain the full value thereof, as if the whole lot or lots and improvement or improvements, as the case may be were necessary to be taken and used for such proposed object; and the whole amount of such valuation, when finally decided on, shall be paid or tendered the said owner or owners before any part thereof shall be destroyed, removed or used, unless such owner or owners shall assent thereto in writing as now provided for by law, and the said Commission after giving ten days notice in two of the daily newspapers of the city of the time and place, manner and terms of sale, shall sell by public auction to the highest bidder, or shall

sell at private sale in its discretion, the materials of any building or buildings or the debris thereof which it shall be necessary to remove in whole or in part, and also the residue of any lot of which a part shall be taken, and used to effect the object confided to the Commission, and which residue shall have been with the consent of the Commission aforesaid surrendered by the owner aforesaid; said purchase money to be paid when full possession shall be given of the property or materials or debris so sold, and the said Commission or a majority of the members thereof on receiving the purchase money aforesaid and not before shall by a good and sufficient deed, convey the lot or lots of ground by them so sold to the purchaser, but no such sale shall be made until after the Commission shall have assessed the entire amount of damages for taking said property and it shall have been paid or tendered to the proper party or parties, or invested or paid into Court, as by law required, nor until the said Commission is able to give possession to the said purchaser or purchasers of property and materials aforesaid; and the said Commission is duly empowered to take and receive a good and sufficient bond from the purchaser or purchasers aforesaid with a penalty to the Mayor and City Council of Baltimore conditioned that the purchase money be duly paid at such times as the said Commission shall demand the same, and conditioned further that said purchaser or purchasers shall remove within twenty days after notice from the said Commission from the bed of the street all such materials so sold and all rubbish or other obstruction in said street occasioned thereby; and in the event of the purchaser or purchasers not complying with the terms of the said sale, the Commission shall, if said sale was public, re-sell the said lot or lots, and improvement or improvements or material or debris, thereon as the case may be, at the risk of the former purchaser, giving not less than five days notice of said re-sale in two of the daily newspapers of the city aforesaid, or it may in its discretion in the event of such default, whether said sale was public or private, re-sell at private sale; provided, however, that when, in the judgment of said Commission, a part of the whole of

the improvements of any lot can be taken without destroying the whole of said lot or said improvements for the purpose for which the lot or improvements are used, or for building purposes, the said Commission shall only condemn such part of said whole lot or improvements as is necessary for the proposed object and shall award to the owner or owners of the part of the lot or improvements so taken such damages, and assess upon the remainder thereof such benefits as in their judgment shall be right and proper.

1904, ch. 87, Sec. 10.

Statements of
contemplated
improvements.

10. As soon as the Commission aforesaid shall have completed the valuation of the damages to be ascertained by them as directed by this Act, upon any one and each of the streets, lanes or alleys, squares, or market spaces, or on any of said additions or extensions of the basin or harbor, wharves or docks, it shall cause a statement thereof to be made out for the inspection of all persons desiring information of its contents, and such statement, together with an explanatory map or maps, shall contain a description of each separate lot or parcel of ground deemed to have sustained damages, its dimensions, the name of the street, lane or alley, square, market space, wharf or dock on which it bounds, the names of all supposed to have an estate or interest in it, and the amount of damages as valued by the Commission; and if there be any building or other improvements or material or debris on it necessary to be removed, in whole or in part, such description thereof as the Commission shall deem necessary; and in like manner a description of each parcel of ground deemed by said Commission to be benefited, the name or names of such person or persons as may be supposed to have any estate or interest therein and the amount assessed thereon for benefits; and the said Commission shall cause a notice to be published for four successive days in two daily newspapers of the city stating the extent of the ground covered by the assessments, and that such statement and maps are ready for the inspection of all persons interested therein,

and that the Commission will meet at its office on a day, to be named in said notice, which shall be within ten days after the first publication of such notice, for the purpose of reviewing any of the matters contained in such statement, to which any person claiming to be interested shall make objection; and the Commission shall meet at the time and place so appointed and shall hear and consider all such representations or testimony on oath or affirmation, verbal or in writing, in relation to any matter in said statement, which shall be offered to it on behalf of any person claiming to be interested therein; and the said Commission shall make all corrections and alterations in the valuation, assessments and estimates and all other matters contained in said statement and explanatory map or maps aforesaid, as in its judgment, or a majority of the members of said Commission, shall appear to be just and proper; and said Commission may adjourn from day to day, if necessary, to give all parties claiming a review an opportunity to be heard, not exceeding in the whole ten days, and after closing such review the Commission shall make all such corrections in its statement and explanatory map or maps as it shall deem proper, and cause such statement, as corrected, to be recorded in its book of proceedings and certified under the hands and seals of the members of said Commission, or a majority of them, and their clerk, and shall deposit the same, together with the explanatory map or maps, as finally corrected by it and similarly certified to, in the office of the City Register and it shall be the duty of the City Register, within five days after the said proceedings shall have been deposited in his office, to notify all persons interested by an advertisement, to be inserted twice a week for two successive weeks in two of the daily newspapers of the city, that the said assessment and maps have been so placed in his office, and that the parties affected thereby are entitled to appeal therefrom by petition in writing to the Baltimore City Court.

Commission to meet for reviewing matters in statement.

Closing review.

1904, ch. 87, Sec. 11.

11. It shall be the duty of the clerk of the Burnt District Commission to serve written or printed notice

To serve notice upon parties interested. upon each and every party or parties assessed for benefits or to whom damages have been awarded in the condemnation proceedings of said Burnt District Commission; provided, however, that the service of such notice shall not be so construed as to be one of the prerequisites to the condemnation and opening, laying out, widening, extending or straightening of any streets, lanes or alleys under this Act, or establishing a building line or width of any sidewalk, or for opening any square or market space or making any addition or extension to the basin or harbor or public wharves and docks.

1904, ch. 87, Sec. 12.

Rights of parties dissatisfied with award of damages or benefits.

12. The Mayor and City Council of Baltimore, or any person or persons or corporations who may be dissatisfied with the award of damages or benefits assessed as hereinbefore provided, may, within fifteen days after the return of the corrected statement and map or maps to the City Register, and the first publication of the notice thereof by the City Register, appeal therefrom, by petition in writing to the Baltimore City Court, praying the said court to review the same, and on any such appeal the court may, and shall, appoint a day for hearing said appeal, which shall be not less than five nor more than twenty days after the expiration of the fifteen days limited for taking appeals as aforesaid, and shall direct the clerk of said court to issue a *subpoena duces tecum* to the City Register, requiring him to produce and deliver to said court the record of the proceedings of the said Commission in the case, and all maps, plats, documents and papers connected with such record, and the said City Court shall have full power to hear and fully examine the subject and decide on said appeal and for that purpose is hereby authorized and empowered to adjourn from time to time, and may cause all such appeals to be consolidated, or may hear and decide them separately, and may require the said Commission, its clerks, engineer and other agents or servants, or any of them, and all such other persons as the court shall deem necessary to attend, and examine them under oath or

affirmation, and may permit and require all such explanations, amendments and additions to be made to and of the said record of the proceedings, as the court shall deem requisite; and the persons appealing to the Baltimore City Court, as aforesaid, shall be secured in the right of a jury trial, and the said court shall direct the Sheriff of Baltimore City to summon twelve or more persons qualified to be jurors, and shall empanel any twelve disinterested persons so summoned, or attending the court, to try any question of facts, and, if necessary, to view any property in the said burnt district, to ascertain and decide on the amount of damages or benefits under the direction of the court; and the said court shall not reject or set aside the record of the proceedings of the said Commission for any defect or omission in either form or substance, but shall amend or supply all such defects and omissions and increase or reduce the amount of damages and benefits assessed, and alter, modify and correct the said return of proceedings in all or any of its parts, as the said court shall deem just and proper, and shall cause the proceedings and decision on said returns and appeals to be entered in the book containing the record of the proceedings of the Commission, certified by the clerk, under the seal of the court, and the book to be transmitted to the City Register, which shall be final and conclusive in every respect, unless an appeal be taken to the Court of Appeals, and such record book or a copy of the proceedings therein, or any part of such proceedings, whether in court or out of court, certified by the City Register, under the corporate seal of the city, shall be evidence in any court in this State, and the judge of the Baltimore City Court shall have full power, in his discretion, to add the reasonable costs of any appeal, to be taxed by him or any part thereof to the damages to be collected for laying out, opening, extending widening or straightening any such street, lane or alley, or for establishing any building line or width of any sidewalk, or for laying out any public square or market space, or for laying out any addition or extension to the basin or harbor, or to the public wharves or docks, or to require such costs or any part thereof to be paid by all or

Baltimore City
Court to try
all questions
of facts.

The Court's
power in the
premises.

by either of the appellants, as the circumstances of such appeal, in his opinion, shall justify. Upon every appeal to the Baltimore City Court from any action of the Commission on the burnt district, both the damages and benefits assessed by the Commission to the appellant shall be open for review and correction by the said City Court.

Collection of Benefits Assessed.

1904, ch. 87, Sec. 13.

City Collector
to notify parties
assessed
for benefits.

13. If no appeal shall have been prayed, then within ten days after the time hereinbefore limited therefor, or after the return of the decision upon any appeal shall have been made to the City Register, the said City Register shall transfer the return of the said Commission to the City Collector, who shall proceed forthwith to notify the parties assessed for benefits by means of bills specifying the several sums so assessed, and warning them that if the same be not paid within the time hereinafter named, he will proceed to sell the specified pieces or parts of property on which such unpaid sum or sums of money shall have been assessed, in the manner, and after having given the notice directed by this Act or by law or ordinance. The said sums so assessed, upon the specified pieces or parts of property, shall constitute a lien upon the property upon which they are severally assessed from the date when the said return is made by the said Commission to the City Register until the same shall be paid to the city, and shall be payable at the option of the owner or owners thereof at any time within five years from date of this Act, and if paid at any time within three years from said date shall be payable without interest; but if not paid until after the expiration of three years from said date and before five years therefrom, the same shall bear interest at the rate of four per cent. per annum from and after the expiration of said period of three years.

1904, ch. 87, Sec. 14.

14. If the sum assessed upon the property specified shall not be paid within the time above limited, the City

Collector is hereby directed to sell the property or any part thereof on which such assessment has been laid, giving thirty days' notice of said sale in two of the daily newspapers published in the city of Baltimore, the first insertion of said notice to be made in said newspaper within sixty days after the expiration of the time limited in this Act for the payment of said benefits; and the moneys so collected by the City collector shall be paid over by him to the city as other moneys are directed to be paid over, to be by it paid to the persons entitled to receive the same.

Failure to pay
sum assessed.

1904, ch. 87, Sec. 15.

15. In all cases in which the City Collector shall sell any property on account of the non-payment of assessments made for the opening, closing, widening or extension of any streets, lanes or alleys, or for fixing any building line, or the width of any sidewalk, or for the opening of any public square or market space, it shall be his duty to sell such property to the extent and subject to the same conditions which are provided by ordinance for the sale of real estate in the city of Baltimore charged with the payment of other taxes imposed by the Mayor and City Council of Baltimore; and in the event of the purchaser or purchasers failing forthwith to comply with the terms of said sale, the City Collector shall re-sell the same at the risk of the former purchaser, giving not less than ten days' notice in two of the daily newspapers of the city aforesaid; and after collecting the benefit assessments he shall forthwith return the proceedings of the said Commission to the Comptroller.

All sales to be
under ordi-
nance as for
failure to pay
taxes.

1904, ch. 87, Sec. 16.

16. The City Collector, on receiving the full amount of the purchase money on such sale, shall execute a deed of conveyance in favor of the purchaser or purchasers, or their assign or assigns, which deed shall convey a fee simple or leasehold estate, as the case may be, in and to such property, and after deducting the costs of sales,

Executing a
deed of con-
veyance.

advertising and other necessary expenses, he shall pay the balance of such purchase money to the city, which shall pay over the said balance, after deducting the amount assessed on said property, to the person or persons entitled thereto on demand, without interest.

Special Provisions.

1904, ch. 87, Sec. 17.

No street, lane or alley to be opened, etc., until damages are paid or money paid into court. **17.** No part of any street, lane, alley, square or market space shall be laid out, opened, extended, widened or straightened, nor shall any addition or extension to the harbor or to any public wharf or dock be made on or over the ground of any person or persons or corporation adjudged by the Commission to be entitled to damages for the said opening, extending, widening or straightening or addition, without the consent, in writing, of the person or corporation so entitled, until such damages shall be paid, or the amount thereof invested in city stock for the use of each person or corporation entitled to any part of the compensation for such damages, to the amount of his, her or their respective right or interest therein, of which investment the City Register's certificate, under the corporate seal of the city shall be competent proof.

1904, ch. 87, Sec. 18.

Lien to inure to benefit of person paying benefits. **18.** Any person or persons not claiming title to any lot or piece of property upon which any sum shall be assessed as aforesaid, may pay the amount of the sum so assessed, within the time limit, to the City Register, and obtain his certificate of having paid such sum without claiming title to the property; and such payment shall vest in the person or persons paying his, her or their heirs the lien on such lot or property mentioned in this Act.

1904, ch. 87, Sec. 19.

Temporary appointment of Commissioners. **19.** If it should so happen that any one or more of the members composing the said Burnt District Commission should be interested in any particular case, the Mayor

shall make a temporary appointment of a commissioner or commissioners to act in the place and stead of such interested commissioner or commissioners, who shall take the oath or affirmation, as the case may be, and in all respects conduct himself and have all the powers as the other commissioners who are appointed by the Mayor.

1904, ch. 87, Sec. 20.

20. Whenever any lot or part of a lot or parcel of ground may be taken and included within the lines of any street, lane or alley, or part thereof, or in any public square or market space or part thereof, or in any addition or extension to the harbor, or to any public wharf or dock, and damages are assessed therefor, and there shall be an outstanding unexpired term of years therein, the said Commission shall discriminate in their proceedings between the value of the fee simple or ground rent interest and the leasehold interest.

Commissioners
to discrimi-
nate.

1904, ch. 87, Sec. 21.

21. Whenever any obstruction shall have remained in any street, lane, alley, public square or market space or part thereof so laid out, opened, widened, extended or straightened for the space of twenty days after the proceeding of the said Commission shall have been returned to the City Register, it shall be the duty of said Commission to cause the same to be removed, and to draw on the City Register for the expense so incurred, which shall be paid by him; and the Mayor shall forthwith cause a suit for the recovery of said expense to be instituted against the person or persons by whose default the said obstruction has been suffered to remain, and the same, when recovered, shall be paid to the City Register for the use of the city.

Obstructions to
be removed.

Expenses of Commission.

1904, ch. 87, Sec. 22.

22. When the proceedings of the Commission on the Burnt District in any case are transferred by the City

City Register
to pay upon
presentation
of vouchers.

Register to the City Collector, the City Register is authorized and required to pay all the expenses incurred by the Commission on the Burnt District under the said proceedings, but such expenses shall not remain unpaid more than six months after the completion of any services performed under this Act; and the Comptroller and City Register are directed to pay, within six months after the services have been completed, any such expenses upon presentation of the proper vouchers or certificates from the Commission on the Burnt District.

Further Duties.

1904, ch. 87, Sec. 23.

Depositing
books and
papers.

23. The Commission on the Burnt District, so soon as it shall have completed its work on each street, lane or alley, square or market space, or on each addition or extension to the harbor or basin, or wharves and docks, shall deposit all papers and books relating thereto in the office of the City Register. The said Commission shall also perform such other duties as from time to time may be required of it by any ordinance or ordinances of the Mayor and City Council of Baltimore not inconsistent with the provisions of this Act.

Title of City to Property Acquired.

1904, ch. 87, Sec. 24.

Public
highway.

24. Whenever any street, lane or alley or square or part thereof, shall be conveyed to the city as provided in this Act, the same shall be a public highway, subject to all ordinances and resolutions relating to streets, lanes and alleys in the city of Baltimore.

Assignment of Damages.

1904, ch. 87, Sec. 25.

25. When the said Commission shall assess a sum of money to be paid by any person or persons for the benefits

derived by such person or persons for opening, extending, widening, straightening or closing any street, lane or alley, or part thereof, or for opening any public square or market space, and shall assess a sum of money to be paid to the same person or persons for damages sustained by said opening, extending, widening, straightening or closing, it shall and may be lawful, upon a certificate of title from the City Solicitor, for the City Register or City Collector to receive from such person or persons any assignment for the sum or sums so assessed as damages as aforesaid.

Sums of money to be paid by interested parties.

Benefits.

1904, ch. 87, Sec. 26.

26. In any proceedings or course of procedure herein provided or authorized for the condemnation of a part of the property rights, interests, franchises, privileges or easements belonging to any owner or owners under the powers given by this Act, the said Commission, or other persons appointed to value it or them, and any jury which may be required to value the same, shall take into consideration the benefit or advantage which will accrue to such owner or owners of the part of the property, rights, interests, privileges or franchises not required to be taken in such proceedings, by reason of the opening, widening, extending, straightening or closing of any street, lane or alley, or by reason of the broadening of any sidewalk, or the opening of any public squares or market space in said Burnt District.

Benefits to offset damages in condemnation hereunder.

Light and Pratt Streets.

1904, ch. 87, Sec. 27.

27. In the widening of Light street on the east side thereof, or of east Pratt street on the south side thereof, should the said Commission so decide to widen them or either of them, or in widening any public wharf or dock, the said Commission shall lay down and fix the breadth of said widening on the map or maps to be sent with the

Providing for filling up basin.

report or reports, as herein provided, to the joint body hereinbefore provided for, and on its approval, as hereinbefore provided, by said joint body, the Mayor and City Council of Baltimore is hereby authorized to provide by ordinance or ordinances for filling up the harbor or basin of Baltimore to the extent necessary to make such widening of both or either of said streets and of any such public dock.

Powers in Closing Streets.

1904, ch. 87, Sec. 28.

Commissioners' powers to assess all damages.

28. In closing any streets, lanes or alleys, situated in said Burnt District, said Commission shall have the powers to assess all the damages and benefits arising from said closing now possessed by the Commissioners for Opening Streets in the city of Baltimore, under any law or ordinances relating to the closing of streets, lanes or alleys in said city, and shall proceed in the manner prescribed by said laws and ordinances, the person or persons interested therein having all the rights, including the rights of appeal, conferred on them by said laws and ordinances. And in the proceeding for the closing of any street, lane or alley or any part thereof, under the powers conferred on said Commission by this Act, the procedure may, in any case or cases, at the option of the said Commission be such as is provided for in said laws and ordinances or such as may at any time hereafter be provided for by law or laws of the State of Maryland, or by any lawful ordinance or ordinances of the Mayor and City Council of Baltimore, adopted pursuant to the powers conferred on it by Article 4, entitled "City of Baltimore", of the Public Local Laws of Maryland, or such as may be provided for the very best purpose by lawful ordinance or ordinances of the Mayor and City Council of Baltimore, which said ordinance or ordinances the Mayor and City Council of Baltimore is hereby fully authorized to adopt, provided that provision is made therein for reasonable notice to the owner or owners of property or rights along or in any street, lane or alley closed, and to all persons assessed

with damages and benefits arising from said closing, in case such damages and benefits are assessed or to be assessed, and provided that provision be made for appeal to the Baltimore City Court including the right of appeal to the Court of Appeals by any person or persons interested, including the Mayor and City Council of Baltimore, from the decision of said Commission valuing or fixing said benefits and damages. And said Commission may agree with any person or persons interested in the closing of any street, lane or alley or any part thereof, or who may be liable to be assessed with benefits or damages for such closing, and may have such damages paid out of moneys appropriated therefor and carried into the Burnt District Sinking Fund, as this Act provides. Any money paid for benefits under this section shall be paid to the Comptroller of the city, to be by him paid over to the City Register, to be added to said Burnt District Fund.

Agreements
made with
interested
parties.

Appropriations to Defray Expenses of Commission.

1904, ch. 87, Sec. 29.

29. The Mayor and City Council of Baltimore is hereby empowered for the purposes of providing the money for defraying the expenses of said Commission, and for the expenditures to be incurred in the acquisition by the city, by purchase, condemnation or any other method, of the property, interests, rights, franchises, privileges and easements required to execute the powers and to carry out the work of said Commission, and generally for the purposes contemplated by this Act, also for the purposes of paving or repaving and curbing or recurbing any street, lane, alley, public square or market space, opened, widened, extended or straightened under this Act, or any part thereof, to appropriate any moneys from time to time out of any balance not appropriated at the time for any other purpose, pursuant to authority granted by the General Assembly of Maryland, of the sum of four million four hundred and twenty-two thousand four hundred and sixty dollars and seventy-four cents, forming part of the purchase price paid by the Fuller Syndicate for interests of

Municipality
empowered
to appropri-
ate money.

Unappropriated balance.

the city of Baltimore in the Western Maryland Railroad Company heretofore passed to the credit of the General Sinking Fund of said city, and the interest accumulated thereon, or out of the proceeds of any loan authorized by the General Assembly and approved by the majority of the legal voters of said city for the purpose of this Act. And when any such appropriations are duly made as aforesaid, the Commissioners of Finance of the city of Baltimore are hereby authorized to pay the several sums thereby appropriated out of the said unappropriated balance of said sum, and the interest out of the proceeds of said loan, to the Comptroller of the city of Baltimore, to be by him deposited with the City Register, and to be placed to the credit of the fund to be known as the "Burnt District Fund", which shall be exclusively applicable to the purposes hereinbefore mentioned, and shall be chargeable with no other items of cost or expense whatever, and in making such appropriation said Mayor and City Council of Baltimore shall not be required to incorporate the same in any annual ordinance of estimates, but may make said appropriation at any times by ordinance or ordinances, subject, however, to approval by the Mayor in the manner provided by law.

Boundaries of Burnt District.

1904, ch. 87, Sec. 30.

Boundaries of Burnt District.

30. The term "Burnt District" used in this Act is hereby declared to extend to and include the territory situated in the city of Baltimore and described as follows: Beginning for the same at the intersection of the south side of Camden street and the west side of Howard street, and running thence northerly binding on the west side of Howard street to a point where the prolongation southwardly of the westerly side of Liberty street would intersect the west side of Howard street, and thence along said line and continuing northerly along the westerly line of Liberty street to the intersection of the west side of Liberty street with the north side of Lexington street, and

thence along the northerly line of Lexington street easterly to a point formed by the intersection of said north side of Fayette street with the east side of St. Paul street, thence southerly along the east side of St. Paul street to the point of intersection of the east side of St. Paul street and the north side of Fayette street, thence easterly along the north side of Fayette street to the point of intersection of said north side of Fayette street with the east bank of Jones' Falls and thence in a southerly direction, following the said east bank of Jones' Falls to the point where said bank intersects the north side of the harbor or basin, and thence due south across the harbor or basin to the south side thereof, and thence westerly along the said south side or shore to the point of intersection of the north side of East York street with the east side of Johnson street, and thence across East York street to the point where the southern line of East York street intersects the west side of Johnson street, and thence west along the south side of York street to the point of intersection of the south side of East York street with the east side of South Charles street, thence northerly along the east side of South Charles street to the point of intersection of the said east side of South Charles street with the south side of Camden street and thence along the south side of Camden street westerly to Howard street at the point of beginning.

Streets, alleys
and harbor.

*Powers of City Engineer and Commissioner of
Street Cleaning.*

1904, ch. 87, Sec. 31.

31. While the work authorized by this Act is being done by said Commission the respective duties and powers of the City Engineer and Commissioner of Street Cleaning and other city officials in their relations to the pavements and other street surface improvements of the city of Baltimore shall, subject to the duties and powers hereby conferred upon said Commission, continue as at present, and said Commission shall be authorized as its work progresses to turn over from time to time such completed portions of said work as it may see fit to the charge,

Street surface
improve-
ments.

superintendence and control of the proper city officials, and shall, on the termination of its work, turn over all the records, writings, papers, copies of reports, and maps of said Commission other than those hereinbefore directed to be turned over by the City Register to the Commissioners for Opening Streets, to be by them preserved and to be used as their own papers and records are preserved and used; and all other property and effects in its possession belonging to the City Comptroller to be disposed of by him as may be provided by ordinance.

Burnt District Improvement Loan.

1904, ch. 468, Sec. 1.

Authority to
issue stock
not exceeding
\$6,000,000.

32. The Mayor and City Council of Baltimore is authorized to issue its stock to an amount not exceeding six million dollars; said stock to be issued from time to time as the Mayor and City Council of Baltimore shall, by ordinance, provide; and to be issued for such amounts and to be payable at such time and to bear such rate of interest as the Mayor and City Council of Baltimore shall by ordinance provide; and the proceeds thereof to be issued for supplying additional means for defraying the expenses and cost of carrying into execution the plan of improvements adopted or to be adopted under the terms of the Act passed at the January Session of the General Assembly of Maryland in the year 1904, and entitled "An Act to create a Commission on the Burnt District of Baltimore city; to define its duties and powers; to regulate its methods of procedure; to define the extent of said districts; to provide for opening, extending, widening, straightening and closing streets, lanes and alleys, for establishing public squares and market spaces, building lines and the width of sidewalks in said district; for adding to, extending and partly filling the harbor or basin of Baltimore city; and for establishing public wharves and docks and to provide for appropriating a portion of the general sinking fund of Baltimore city and other moneys for the purposes of this Act," but said stock shall not be issued in whole or in part unless the ordinance of the Mayor and City Council of

Burnt District
Commission.

Baltimore providing for the issuance thereof, shall be submitted to the legal voters of the city of Baltimore at such time and place as may be fixed by said ordinance, and be approved by a majority of the votes cast at such time and place as required by section 7 of Article 11 of the Constitution of Maryland.*

Submitted to
the legal
voters.

Conveyances of State Lands in Burnt District.

1904, ch. 581.

33. The Governor, Comptroller of the Treasury and the Treasurer or a majority of them, are hereby authorized and empowered to sell, grant, assign, convey or lease any of the property, or any interest therein belonging to the State of Maryland situated in the Burnt District, as defined in the Act of 1904, ch. 87 (codified in this appendix to this Code as Sections 1 to 31 inclusive) and lying south of Pratt street and east of Light street to the Mayor and City Council of Baltimore, upon such terms and at such price or prices as shall be agreed upon between said State officials, or a majority of them, and the Burnt District Commission, and to execute, acknowledge and deliver for and on behalf of the State of Maryland, all the necessary deeds and conveyances therefor.

Governor et al.
empowered
to act.

1906, ch. 145.

34. The Governor, Comptroller of the Treasury and the Treasurer, or a majority of them, are authorized and empowered to sell, lease or otherwise dispose of, in whole or in part, to the Mayor and City Council of Baltimore any or all of the parcels of property of the State of Maryland, or any interest or interests therein, involved in the widening of Light street, in the city of Baltimore, from Pratt street to Lee street as now or hereafter proposed by the "Burnt District Commission" created by chapter 87 of the Acts of the General Assembly of Maryland for the year 1904 upon such terms as to price or otherwise as shall be agreed upon

Disposition of
property in-
volved in the
widening of
Light street.

*NOTE.—This Act was approved by the people at the election held November, 1904.

between said State officials or a majority of them and said Burnt District Commission and also to execute, acknowledge and deliver for and on behalf of the State of Maryland all the necessary deeds, conveyances or other legal instruments therefor. Provided any and all sums of money derived from the sale, lease or other disposition of the State Tobacco Warehouse property under the provisions of this Act shall be placed to the credit of the State Tobacco Fund.

"Damages for Establishments and Changes of Grade."

1906, ch. 102.

To be awarded
by Commis-
sioners for
Opening
Streets; side-
walk altera-
tions.

35. The Mayor and City Council of Baltimore is authorized and empowered to authorize and direct the Commissioners for Opening Streets under such system of procedure including reasonable notice to the property holders and the right of appeal by either the property holder or the Mayor and City Council of Baltimore to the Baltimore City Court and the Court of Appeals of Maryland, as it may prescribe to ascertain and award to the owners of abutting property in the city of Baltimore affected by the establishments and changes of grade mentioned in said Ordinance No. 91, approved June 7th, 1904, as aforesaid, such damages, if any, as they may find to have been directly caused to said abutting property by said establishments and changes of grade, and at the same time to assess against the same such benefits as they may find to have accrued to said owners by reason thereof, but this Act shall not be taken as authorizing compensation of any kind to be made by the Mayor and City Council of Baltimore for any sidewalk alterations, restorations or improvements, or any alterations, restorations or improvements of any kind beyond the building line of any street, avenue, alley or other highway necessitated by, or referable to said establishments and changes of grade.

1906, ch. 102.

36. The Mayor and City Council of Baltimore is authorized to pay the amounts of the net damages, if any, so

ascertained and awarded, without interest, out of any balance not appropriated at the time for any other purpose of the fund mentioned in chapter 463 of the Acts of the General Assembly of Maryland, and commonly known as the Western Maryland fund, or out of any balance not appropriated at the time for any other purpose of the fund derived from the assessment of benefits under the provisions of chapter 87 of said Act of the General Assembly of Maryland, commonly known as the Burnt District Commission Act, or out of such sum or sums as may be appropriated therefor out of the annual revenue of the city of Baltimore by the annual ordinance or ordinances of estimates.

Fund from which such damages to be paid.

1906, ch. 141.

37. The Mayor and City Council of Baltimore is empowered to allow such discounts, as it may deem advisable for the early payment of benefit assessments under chapter 87 of the Acts of the General Assembly of Maryland for the year 1904, commonly known as the Burnt District Commission Act.

Discounts for early payment of benefits.

APPENDIX B.

COMMUNICABLE DISEASES.

- | | |
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| <ol style="list-style-type: none"> 1. Diseased persons disposing of sputum or other secretion so as to give offense to be deemed a nuisance; complaint to Commissioner of Health; duty of officer receiving such complaint; penalty for disregard of orders of Health Commissioner; diseases to which this section applies. 2. Duty of physician attending cases of pulmonary and laryngeal tuberculosis; duty of local health board when no physician attending such cases. | <ol style="list-style-type: none"> 3. Their duty when cases reported to them by physician; physician's report; to provide against danger to persons occupying house or apartments with consumptives; printed requisition blanks for disinfectants; circular information to consumptives. 4. Penalty for false statements by physician. 5. State Board of Health to issue printed matter required by preceding sections; annual appropriation. |
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1904, ch. 399, Sec. 1.

Protecting persons from communicable diseases.

1. Any person affected with any disease whose virus or infecting agent is contained in the sputum, saliva or other bodily secretion or excretion, who shall dispose of his sputum, saliva or other bodily secretion or excretion as to cause offense or danger to any person or persons occupying the same room or apartment, house or part of a house, shall, on complaint of any person or persons subjected to such offence or danger be deemed guilty of a nuisance. And any person subjected to such a nuisance may make complaint in person or writing to the Commissioner of Health of Baltimore City or the local health officer of any city, town or county of the State of Maryland where the nuisance complained of arises or exists. And it shall be the duty of the Commissioner of Health or of any local health officer receiving such complaint to investigate, and if it appears that the nuisance complained of is such as to cause offense or danger to any person occupying the same room, apartment, house or part of a house, he shall serve a notice upon the person so complained of, reciting the alleged cause of offense or danger, and requiring him to dispose of his sputum, saliva or other bodily secretion or

excretion in such a manner as to remove all reasonable cause of offense or danger. And any person failing or refusing to comply with orders or regulations of the Health Commissioner of Baltimore City or of the health officer of any city, town or county requiring such nuisance to be abated, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined ten dollars; provided, that the requirements of this section shall apply only to pulmonary and laryngeal tuberculosis, pneumonia, influenza and such other diseases as the State Board of Health may from time to time determine to be communicable by means of sputum, saliva or other bodily secretion or excretion.

Applies only to tuberculosis, pneumonia, etc.

1904, ch. 399, Sec. 2.

2. It shall be the duty of the physician attending any case of pulmonary or laryngeal tuberculosis to provide for the safety of all individuals occupying the same house or apartment, and if no physician be attending such patient this duty shall devolve upon the local health board, and all duties made incumbent upon the physician in the following sections shall be performed by the local board of health in all cases of pulmonary or laryngeal tuberculosis not attended by a physician or when the physician is unwilling or unable to perform the duties specified.

Duty of attending physician.

1904, ch. 399, Sec. 3.

3. It shall be the duty of the local board of health to transmit to the physician reporting any case of pulmonary or laryngeal tuberculosis a printed report, after the manner and form to be prepared and authorized by the State Board of Health, naming such procedures and precautions as in the opinion of the State Board of Health are necessary or desirable to be taken on the premises of the said tuberculosis case, and it shall be the duty of the State Board of Health to print and keep on hand a sufficient number of such report blanks and to furnish the same in sufficient numbers to any local board of health upon due requisition of the latter. Upon receipt of the blank report

Duty of the local board of health.

the physician shall fill, sign and date the same and return to the local board of health without delay; provided, that if the attending physician is unwilling or unable to undertake the procedures and precautions specified he shall so state upon this report, and the duties herein prescribed shall then devolve upon the local board of health. Upon receipt of this report the local board of health shall carefully examine the same, and if satisfied that the said attending physician shall have taken all necessary and desirable precautions to insure the safety of all persons living in the house or apartments occupied by the consumptive, and to insure the safety of the people of the State of Maryland, the said local board of health shall issue an order on the State Board of Health in favor of the attending physician for the sum of one dollar and fifty cents, to be paid by the State Board of Health out of the fund hereinafter provided. If the precautions taken by the attending physician are, in the opinion of the local board of health, not such as will remove all reasonable danger or probability of danger to the persons occupying the said house or apartment, the local board of health shall return to the attending physician the report blank with a letter specifying the additional precautions which they shall require him to take; and the said attending physician shall immediately take the additional precautions specified and shall record and return the same on the original report blank to the local board of health. It shall further be the duty of the local board of health to transmit to the physician reporting any case of pulmonary or laryngeal tuberculosis a printed requisition, from which shall be prepared by the State Board of Health and issued in sufficient number to any local board of health upon due requisition of the latter. Upon this requisition blank shall be named the materials kept on hand by the local board of health for the prevention of the spread of the disease, and it shall be the duty of the State Board of Health to purchase such supplies as it may deem necessary from the fund hereinafter provided, and to supply them to any local board of health upon due requisition of the latter. Any physician may return a duly signed requisition to the

Apartments
occupied by
consump-
tives.

Printed requi-
sition.

local board of health for such of the specified materials and in such amount as he may deem necessary in preventing the spread of the disease, and all local boards of health shall honor, as far as possible, a requisition signed by the attending physician in such case. It shall be the duty of every local board of health to transmit to every physician reporting any case of pulmonary or laryngeal tuberculosis, or to the person reported as suffering from this disease, provided, the latter has no attending physician, a circular of information prepared and printed by the State Board of Health and which shall be furnished in sufficient quantity to every local board of health on due requisition of the latter. This circular of information shall inform the consumptive of the best methods of cure of his disease and of the precautions necessary to avoid transmitting the disease to others.

Circular information to consumptives.

1904, ch. 399, Sec. 4.

4. Any physician or person practicing as a physician who shall fail to execute the duties prescribed by this Act, or who shall knowingly report as affected with pulmonary or laryngeal tuberculosis any person who is not so affected, or who shall wilfully make any false statement concerning the name, age, color, sex, address or occupation of any person reported as affected with pulmonary or laryngeal tuberculosis, or who shall certify falsely as to any of the precautions taken to prevent the spread of infection, shall be deemed guilty of fraud, and on conviction thereof shall be subject to a fine of one hundred dollars, or to imprisonment not exceeding six months, or both fine and imprisonment, in the discretion of the court.

Physicians guilty of making false statements.

Penalty.

1904, ch. 399, Sec. 5.

5. The State Board of Health shall prepare and keep on hand all the circulars, blanks and printed matter required by the preceding section and all additional printed matter necessary in executing the provisions of this Act, and shall issue the same in sufficient quantity to the local boards of health upon due requisition of the latter; and the

State Board of Health to issue printed matter.

said State Board of Health shall further purchase and issue upon due requisition to the local boards of health the supplies required by the provisions of this Act. For the purpose of defraying the expenses of printed matter and postage, for recompensing physicians for measures of prophylaxis, and for purchasing and issuing the supplies necessary in carrying out the provisions of this Act, the sum of five thousand dollars annually or as much thereof as may be necessary is hereby appropriated, payable by the Treasurer of the State upon warrant of the Comptroller at such times and in such sums as may be authorized by the State Board of Health upon presentation of the proper voucher.

Annual appro-
priation.

APPENDIX C.

Primary Election Law for Baltimore City.****Selection of Candidates and Delegates.**

1. Political parties required to conform to provisions hereof; when names of candidates shall not be placed on ballot; nomination of candidates by direct vote; or, by conventions; delegates to conventions; date of primary elections; notice of primary elections; voting places; books of registry; ballots to be prepared; names of candidates to be printed on; requirements in relation to; delegations, certificates of; when to be filed; sample ballots; expenses of elections hereunder; votes, counting of; position of names on ballots; challengers; sets of ballots required; affiliation of voters; poll books;

offences; law not to apply to congressional or other national elections; exceptions

Primary Elections for Mayor, Comptroller, and President of the Second Branch and Members of City Council.

2. Election day; "party affiliation"; voter not required to state party affiliation; when stated may only vote at primary election of that party and no other; voter may at subsequent registration have entry of party affiliation made, altered or stricken out; duty of board of registry.

Supervisors of Elections.

3. Additional compensation for; clerical assistance, additional compensation for; payment by city of such expenses.

SELECTION OF CANDIDATES AND DELEGATIONS.

1902, ch. 296 (Sec. 152). 1904, ch. 682 (Sec. 152).

1. Political parties which, at the general election held on November 3, 1903, polled ten per cent. of the entire vote cast in the State, shall hereafter nominate their candidates for public office, and shall elect all delegates to conventions, or managing bodies in said political parties, and all precinct, ward, city and county executives or executive committees, not appointed by party conventions, whenever the political party usage provides for such executives or committees, by means of primary elections

Political parties required to conform to provisions hereof.

****NOTE.**—As to power of Legislature to regulate primary elections, see *Kenneweg v. Allegheny Co.*, 102 Md. 119.

When names of candidates shall not be placed on ballot. conducted under the provisions of this Act, and not otherwise, and the several Boards of Supervisors of Elections shall not print on the official ballot to be voted at any general or special election to be hereafter held, the names of any candidates of any of said parties who shall not be so nominated, and whose nominations shall not be certified to them or to the Secretary of State, as having been so nominated. Such candidates may be nominated by direct vote of the duly registered voters belonging to or acting with such parties in every precinct, ward, councilmanic, legislative, congressional and election district in Baltimore city and the several counties, respectively, or they may be nominated by city, county or district conventions, the delegates to which shall be elected at primary elections duly held in precincts, wards, election, councilmanic, legislative, congressional and judicial districts, or they may be nominated by State or other conventions composed of delegates elected by city, county, councilmanic, legislative, judicial or congressional district conventions, the delegates to which last mentioned several conventions shall have been elected at said primary elections, as shall be determined from time to time by the State Central Committee or other governing body of said political parties. Said primary election shall be annually held on a day to be fixed for Baltimore city and the several counties, respectively, by an agreement between the governing bodies of said parties not later than the third Monday of September in each year. The day for holding such primary elections need not be the same in Baltimore city and in the several counties, but on or before the above named date, be held in Baltimore city and in the several counties upon days which shall be so agreed on, and in case such governing bodies shall fail to agree on the day for holding said primary elections, either in the City of Baltimore or in any of the counties, they shall be held in said city, and in said counties on the third Monday of September in each year. Notice shall be given of the times and places of holding said primary elections by the several Boards of Supervisors of Elections in the same way precisely as notice is required to be given for municipi-

Nomination of candidate by direct vote.

Or, by conventions.

Delegates to conventions.

Date of primary elections

Notice of primary elections.

pal and county elections held under the provisions of Article 33 of the Code of Public General Laws, and there shall be at every primary election a voting place in each precinct or election district, which shall be selected as provided in section 11 of this Article, and furnished in the same manner as at a general election. They shall be conducted under the control of the several Boards of Supervisors of Elections, by the judges and clerks of elections appointed by them under the provisions of said Article 33 for the conduct of elections held thereunder in Baltimore city and the several counties. The books of registry shall be furnished to the judges at each polling place, and shall be used at such elections in the same way as they are now used at municipal and county elections held under the provisions of said Article 33. In the books of registry, to be hereafter prepared for use in Baltimore city, a column headed "Voted at Primary Elections" shall be used, in which column such word "Voted," or letter "V," shall be hereafter entered at the primary election at which such registry shall be used; in the counties, until new books of registry shall be required to be prepared according to existing law, the present books of registry shall be used, and the judges shall therein make a column headed "Voted at Primary Election of, " and enter in like manner therein the word "Voted" or the letter "V." Persons arriving at the age of twenty-one years after the closing of the next preceding registration, and entitled to be registered as qualified voters, shall be entitled to vote, upon proving under oath, to the satisfaction of a majority of the judges of election their right to registration in the precinct at which they shall claim the right to vote. Official ballots shall be prepared for such primary elections by the several Boards of Supervisors of elections, as is now provided by said Article 33, and said several Boards of Supervisors shall print on said official ballots the names of all candidates and the names of all delegates to any convention or nominating convention, who shall become duly qualified by the payment of the amount herein named, and shall have filed a certificate in writing containing the name of the person seeking a nomination, his residence, his

Voting places.

Books of
registry.Ballots to be
prepared.Names of can-
didates to be
printed on;
requirements
in relation to.

Delegations,
certificates of.

business, his address, the office for which he seeks to be nominated, and the party to which he belongs; and the certificate for delegations to contain the names of each person or delegate, his residence, his business, his address, the convention to which the delegation seeks to be elected, and the party to which the members of the delegation belong, and acknowledged by the candidate where the certificate is filed by a candidate seeking a nomination, and by a member of a delegation on his part, and on the part of the delegation, when filed on behalf of a delegation before an officer duly authorized to take acknowledgments, who shall append a certificate of such acknowledgment.

When to be
filed.

All such certificates must be filed and payments made not less than fifteen days before the day or days of said several primary elections. The names of the several candidates or of the several delegates to be elected at said primary election to any convention or nominating convention shall be published two days before said election, in the mode prescribed in section 44 of said Article 33, as far as practicable. It shall not be necessary to print sample

Sample ballots.

ballots or cards of instruction for such elections, but either or both shall be printed by the Board of Supervisors of Elections of the city of Baltimore or counties of the State, respectively, when requested by any candidate or delegate, said request to be accompanied by a sum of money necessary to cover the cost of printing. Each candidate for nomination for public office at a primary election shall pay the sum of twenty-five dollars, and each delegation to a nominating convention shall pay the sum of five dollars upon filing their certificate with the Supervisors of Elections, and the said Board of Supervisors shall pay over the amount so received to the Mayor and City Council of Baltimore City, and the County Commissioners of each county, and all the expenses of holding said elections shall be paid by the Mayor and City Council of Baltimore and the County Commissioners, respectively, precisely as the expenses of State, city and county elections are now paid under existing law. If such nominations are to be made by conventions, as hereinbefore provided, every candidate, having complied with the prerequisites, shall have the privi-

Expenses of
elections
hereunder.

lege of having his name placed on the official ballot; before the name of that set of delegates selected by him or running in his interest, and every vote cast for said candidate by marking in the square opposite his name, in the manner and form provided by this Article shall be construed and counted for his entire set of delegates; unless there is a mark opposite any name in his set of delegates in which event only those names in that particular set of delegates marked in the square opposite shall be counted as having been voted.

Whenever the name of any candidate is so placed upon the ballot, the candidate's surname shall determine his place upon the alphabetical arrangement as hereinbefore provided in this Article, upon said ballot, and the names of his delegates shall follow immediately after his name in such order as submitted to the Board of Supervisors of Elections. Ballots shall be cast, counted and canvassed, and the result of the election announced and certified, as now provided by said Article 33, for elections held thereunder, and the said elections shall be held and conducted in the manner and form provided by this Article for general elections, and subject to all the regulations, requirements and provisions as prescribed by this Article for general elections, in so far as the same is applicable to said primary elections. Challengers and watchers representing the candidates shall be allowed to be present at the several voting places during the voting and counting of the ballots, as provided in said Article 33. As many different sets of official ballots shall be printed and supplied at each polling place, and as many ballot boxes shall be used at each polling place as there are separate party nominations to be voted for, and to prevent voters belonging to or acting with one political party from inadvertently or intentionally casting their ballot for the candidates for nomination or election as delegates to any nominating convention or any other party, the ballots of the several parties shall be printed upon paper of different colors, and until after the next general registration, every person offering to vote, shall be required to state to which party he belongs, and which party's candidate he intends to vote for at the State, city or county election, and he

Votes, counting
of.

Position of
names on
ballots.

Challengers.

Sets of ballots
required.

Affiliation of
voters.

Poll books.

Offences.

Law not to
apply to Con-
gressional or
other Nation-
al elections
except as
noted herein.

shall be supplied only with the official ballot prepared for the candidates of such party, excepting as hereinafter provided for Baltimore city. As each voter's name shall be entered in the poll books kept by the two clerks of election, there shall be entered opposite his name the name of the party whose candidates he votes for. The provisions, all and singular, of sections 33 to 109 of said Article 33, both inclusive, and the offences defined and the penalties and punishments prescribed therefor in said sections shall be fully applicable in all respects to the same persons, matters, acts and omissions in connection with or pertaining to the primary election held under this Article, sub-title "Primary Elections," and said sections are hereby made applicable to all primary elections provided for and held hereunder, and any judge, clerk or other officer of any primary election, or any voter or other person who would be deemed guilty of any offence against the general election law, or any provisions thereof, in a general election, who is found guilty of the same offence in any primary election, as herein provided for, shall be deemed guilty of the same crime of which his offence is made to consist by and under the general election law, and particularly under the abovementioned sections thereof, and shall be liable to the same punishment or penalty as is prescribed for such offence by the general election law or by any of said sections thereof; provided, that none of the provisions of this Act relating to the holding or conduct of primary elections, shall be applicable to primary elections for the nomination of Congressional candidates in Congressional districts, which are now or shall be composed partly of counties and partly of portions of Baltimore city; nor is the selection of delegates to the National Nominating Convention of any political party subject to the provisions hereof, nor is the selection of delegates to State, legislative or Congressional district conventions called for the purpose of choosing delegates to said National Convention, and for nominating Presidential Electors,* and provided, further, that the primary

*NOTE.— The act seems defective in verbiage at this point.

election law in force in Baltimore City prior to the passage of this Act, shall continue in force, and shall apply only to primary elections for Congressional candidates held in those portions of Baltimore City which form a part of, and are embraced in the Second and Fifth Congressional Districts.

**PRIMARY ELECTIONS FOR MAYOR, COMPTROLLER AND
PRESIDENT OF THE SECOND BRANCH AND MEM-
BERS OF CITY COUNCIL.**

1902, ch. 296, (Sec. 153). 1904, ch. 682, (Sec. 153).

1906, ch. 182, (Sec. 153).

2. Primary Elections for Mayor, Comptroller, President of the Second Branch City Council and members of the City Council of Baltimore shall be held in all respects according to the foregoing provisions, except that the day for holding the same shall be the first Tuesday of April of Election day. the year in which the municipal elections in said city of Baltimore are to be held, and at every general registration held in Baltimore city, subsequent to the passage of this Act there shall be provided in the registration books an additional column, headed "Party Affiliation", and the "Party affiliation." board of registers shall enter in this column the name of the political party, if any, to which the voter is inclined and with which the voter desires to have himself recorded as affiliated. It shall be the duty of the board of registry to explain to each voter that the statement of such party affiliation does not bind him to vote for the candidates of such party at any given election; also that he has the right to decline to state any party affiliation, but that no one who is not recorded upon the registry as affiliated with a particular political party will be qualified to vote at subsequent primary elections of said political party. Whenever a voter declines to state his party affiliation, the word "Declined" shall be written opposite his name under such column, so that there shall be written in such column opposite the name of every registered voter either his party affiliation or the word "Declined". And in all primary elections thereafter held, any person so registered as affiliated with a given political party shall have the

Voter not required to state party affiliation.

Right of persons to vote when registered as affiliated.

Alteration of entries.

right to receive and vote the official ballot of that party and of no other. And at any intermediate registration subsequent to the close of the next general registration such voter may appear before the board of registry, and upon his identity being established to the satisfaction of the majority of the board of registry he shall have the right to require the said board of registry to make, alter or strike out any entry in the column headed "Party Affiliation" opposite his name in the registry. It shall be the duty of the board of registry to enter in the column headed "Remarks" the fact that such entry was made, altered or stricken out, and the date thereof.

SUPERVISORS OF ELECTIONS.

1902, ch. 296, (Sec. 154).

Additional compensation for.

Clerical assistance; additional compensation for, to Supervisors of Elections.

3. For the performance of the duties imposed upon them by this Act, the Supervisors of Elections of Baltimore shall be entitled to receive, in addition to the annual salary of fifteen hundred dollars allowed them by section 2 of Article 33, the further annual salary of one thousand dollars each; and the Supervisors of Elections of the several counties, in addition to the annual salary of one hundred dollars each allowed them by section 2 of said Article 33, shall be entitled to receive an additional compensation, to be paid by the County Commissioners of the several counties, amounting to fifty per cent. of the salary now received by them under said section in the counties not excepted from the operation of this law, and such further sum for expenses incurred in the performance of the duties imposed on them by this Act as the said several boards of County Commissioners shall allow. The Supervisors of Elections of Baltimore city, in addition to the sums allowed to them by section 6 of said Article 33, as compensation for their clerk and messenger and other temporary assistance, such as is mentioned in said section 6 of said Article 33, shall be allowed the further sum of fifteen hundred dollars; and the Supervisors of Elections of the several counties shall be entitled to receive for such additional clerical or other assistance as they may need for

the performance of the duties imposed upon them by this Act, a sum not exceeding fifty per cent. of the present salary for that purpose in the counties not excepted from the operation of this law. All of said expenses shall be paid by the Mayor and City Council of Baltimore and the County Commissioners, respectively, in precisely the same way as the salaries of the said Supervisors of Elections of Baltimore city and in the several counties, and as other expenses of every kind mentioned in said sections 2 and 6 of said Article 33 are provided to be paid.

Payment by
city of such
expenses.

THE UNITED RAILWAYS AND ELECTRIC COMPANY OF BALTIMORE CITY. **

AN ANALYTICAL STATEMENT SHOWING THE CORPORATE ORIGIN OF THE UNITED RAILWAYS AND ELECTRIC COMPANY FROM CONSOLIDATIONS OF ITS VARIOUS CONSTITUENT COMPANIES.

By articles of agreement contained in a certificate of consolidation filed in the office of the Secretary of State at Annapolis, March 4, 1899, it is declared that the United Railways and Electric Company of Baltimore city is formed by a consolidation of the following consolidated and independent named street railway corporations:—

A*. THE UNITED RAILWAY AND ELECTRIC COMPANY.

A consolidation of—

- (a) *Baltimore City Passenger Railway Company.*
- (b) *Baltimore and Northern Electric Railway Company.*

**NOTE.—For references to the various ordinances and resolutions heretofore passed by the Mayor and City Council of Baltimore relating to the United Railways and Electric Company and its constituent companies, *see, ante*, pages 1036 to 1039, inclusive.

*NOTE.—*See*, testimony of Wm. A. House, General Manager of the United Railways and Electric Company, February 8, 1901, *in re* U. Rys. and Elec. Co. *v.* The Maryland Trust Co., trustee, in the Circuit Court No. 2, of Baltimore City, Record A, 1901, p. 31. *See*, deed from various constituent companies of U. Rys. and Elec. Co. to said U. Rys. and Elec. Co. dated March 14, 1899, and recorded among Land Records of Baltimore city in Liber R. O. No. 1776, fol. 305, etc.

B. THE BALTIMORE CONSOLIDATED RAILWAY COMPANY.

A consolidation of—

- (a) *Baltimore Traction Company.*
- (b) *City and Suburban Railway Company.*
- (c) *Lake Roland Elevated Railway Company.*

C. THE CENTRAL RAILWAY COMPANY.**D. BALTIMORE, GARDENSVILLE AND BEL AIR ELECTRIC RAILWAY COMPANY.****E. BALTIMORE, CATONSVILLE AND ELLICOTT'S MILLS PASSENGER RAILWAY COMPANY.**

(The purchaser of a corporation of the same name under foreclosure).

F. THE MARYLAND TRACTION COMPANY.**G.* BALTIMORE AND CURTIS BAY RAILWAY COMPANY.****H. GWYNN'S FALLS RAILWAY COMPANY.****I.* SHORE LINE ELECTRIC RAILWAY COMPANY.****J.* PIMLICO AND PIKESVILLE RAILROAD COMPANY.****K.* WALBROOK, GWYNN OAK AND POWHATAN RAILROAD COMPANY.**

*NOTE.—Stock of these companies owned by Baltimore Traction Company.—*See*, certificate of consolidation forming Baltimore Consolidated Railway Company, filed at Annapolis, office of Secretary of State, July 17, 1897, Corporations Record fol. 124, etc.

ORIGIN OF THE CONSTITUENT CORPORATIONS.

A

THE UNITED RAILWAY AND ELECTRIC COMPANY.

(*This company owns stock of Towson Railway Company*).

(A)* BALTIMORE CITY PASSENGER RAILWAY COMPANY.

(a)¹ *Baltimore and Hall's Springs Railway Company.*

(b)² *Central Railway Company.*⁷

(c)³ *Baltimore, Gardensville and Bel Air Electric Railway Company.*

(d)⁴ *Baltimore and Harford Turnpike Company.*⁸

(e)⁵ *Baltimore and Jerusalem Turnpike Company.*

(f)⁶ *City Park Railway Company.*

(B)⁹ BALTIMORE AND NORTHERN ELECTRIC RAILWAY COMPANY.

(a)¹⁰ *Baltimore and Northern Electric Railway Company.*

(1) Baltimore and Northern Electric Railway Company.

(aa)¹¹ *Electric Light and Railway Company.*

*Incorporated under Act 1862, ch. 71.

¹Incorporated under Act 1867, ch. 196. Assigned its corporate properties to Balto. City Pass'r Ry. Co., under Act 1886, ch. 168.

^{2 3 4 5} Capital stock owned by B. C. P. Ry. Co. *See*, certificate of consolidation forming United Railway and Electric Company filed at Annapolis, March 2, 1899.

⁶*See*, Act Incorporation, 1862, ch. 258; for assignment of its franchises to Balto. City Pass'r Ry. Co., *see*, Act 1880, ch. 288.

⁷*See*, Certificate of Incorporation filed at Annapolis, May 5, 1881.

⁸*See* Act 1894, ch. 239.

⁹Certificate of Incorporation of original Baltimore and Northern Electric Railway Company filed at Annapolis, Feb. 8, 1889. For consolidation of roads (a)¹⁰ *supra*, and (b)² *next page*, *see*, certificate filed at Annapolis October 23, 1897, Corporations Record, fol. 138.

¹⁰Formed by a consolidation of Balto. and Northern Elec. Ry. Co. and Falls Road Electric Ry. Co. by certificate filed at Annapolis, Oct. 18, 1897; folio 132; *see*, Act 1898, ch. 368.

¹¹Incorporated under Act 1892, ch. 477. Corporate name changed to (1)⁹, Act 1896, ch. 337.

(2)¹ Falls Road Electric Railway Company.

(aa) Maryland Traction Company.

(b)² Pikesville, Reisterstown and Emory Grove Railroad Company.

(1) Baltimore and Pikesville Railroad Company.

(2) Pikesville and Reisterstown Turnpike Company.

(3) Baltimore and Reisterstown Turnpike Road.

B

BALTIMORE CONSOLIDATED RAILWAY COMPANY.***(A)³ BALTIMORE TRACTION COMPANY.**

By ownership of majority of capital stock, this company controlled:

(1)⁴ Baltimore and Curtis Bay Railway Company.

(2)⁵ Shore Line Electric Railway Company.

(3)⁶ Pimlico and Pikesville Railroad Company.

(4)⁷ Walbrook, Gwynn Oak and Powhatan Railroad.

(5)⁸ North Baltimore Passenger Railway Company.

(aa)⁹ Baltimore, Peabody Heights and Waverly Railroad Co.

¹See certificate filed at Annapolis, February 14, 1896, fol. 121, Corporation Records. Incorporated under name of Maryland Traction Company. See, Act 1896, ch. 360.

²This company is a union of (1), (2) and (3), grouped under its corporate name as its constituents. See, Act 1870, ch. 249.

³For Act of Incorporation, see, Act 1888, ch. 431.

⁴For Act of Incorporation, see, Act 1890, ch. 505; Act 1892, ch. 574.

⁵For Certificate of Incorporation, see, Records of Sec'y of State, Annapolis. Filed Jan'y 23, 1896.

⁶Certificate of Incorporation filed January 1882, at Annapolis.

⁷Certificate of Incorporation filed September 20, 1897, at Annapolis.

⁸See, Second Branch Journal, January 25, 1904, p. 640.

⁹City Code, (1893) Art. 41, Sec. 36.

*See, Certificate of Consolidation filed at Annapolis, June 17, 1897.

(a)¹ *People's Railway Company.*

(1) **People's Passenger Railway Company.**

(b)² *Citizens Railway Company.*

(B)³ CITY AND SUBURBAN RAILWAY COMPANY.

(a)⁴ *Baltimore Union Passenger Railway Company.*

(b)⁵ *Baltimore and Hampden Passenger Railway Company.*

(Leased by Union Passenger Railway Company).

(c)⁶ *Highlandtown and Point Breeze Railway Company.*

(1)⁷ **Monumental City Railway Company.**

(2)⁸ **Monumental Passenger Railway Company of Baltimore County.**

(d)⁹ *Baltimore, Catonsville and Ellicott's Mills Passenger Railway Company.*

(This road sold under foreclosure Feb. 21, 1888, and bought by company of same corporate title).

¹See, Certificate of Incorporation filed at Annapolis, May 30, 1883. See also, Acts Assembly, Act 1878, ch. 230; 1884, ch. 151; 1888, ch. 148.

²See, Act of Incorporation, Act 1870, ch. 438; also Act 1878, ch. 118 and Act 1882, ch. 111.

³See, Certificate of Consolidation, filed at Annapolis, June 7, 1892. Incorporations, folios 105-111.

⁴Certificate of Incorporation filed at Annapolis, November 7, 1881. See, Acts 1882, ch. 47; 1892, ch. 266. See, also Ordinance 47, April 8, 1892.

⁵Act of Incorporation, Act 1865, ch. 32; see, also Acts 1890, ch. 510. 1868, ch. 121. See also, ordinance 47, April 8, 1892.

⁶See, Certificate of Incorporation filed at Annapolis. See also, Acts 1876, ch. 242; 1884, ch. 184. Last mentioned Act authorized this road to operate the Monumental Passenger Railway Company.

⁷Certificate of Incorporation filed November 13, 1882. See note 6, *supra*.

⁸Certificate of Incorporation filed at Annapolis, April 2, 1880.

⁹Certificate filed at Annapolis, February 2, 1893; predecessor corporation of same name was a party to foreclosure proceedings in Circuit Court of Baltimore city; sale under foreclosure made February 21, 1880. See, Act of Incorporation, Act 1860, ch. 34; also Acts 1865, ch. 63; 1874, ch. 113; 1880, ch. 137; 1894, ch. 162.

- (e)¹ *Baltimore and Yorktown Railway Company.*
(*Franchises of this company sold to Baltimore Union Passenger Ry Co.*)

(C)² LAKE ROLAND ELEVATED RAILWAY COMPANY.

(*Absorbed by City and Suburban Railway Company*).

- (a)³ *Baltimore, Hampden and Lake Roland Electric Railway Company.* (*As far out as Hampden*).

- (b)⁴ *North Avenue Railway Company.*

- (c)⁵ *Lake Roland Extension Railway Company.*
(*Ran from Walbrook to Electric Park*).

C

CENTRAL RAILWAY COMPANY OF BALTIMORE CITY.⁶

D

BALTIMORE, GARDENSVILLE AND BEL AIR ELECTRIC RAILWAY COMPANY.⁷

(A) BALTIMORE AND LORELEY RAILROAD COMPANY.⁸

¹*See*, Mayor, etc. *v.* B. and Y. Turnpike Co., 80 Md. 535; *see*, Act 1872, ch. 337; *see* also, Acts 1860, ch. 259; 1868, ch. 308; 1874, ch. 372; 1888, ch. 145; 1890, ch. 225.

²*See*, Certificate of Consolidation creating Baltimore Consolidated Railway Company recorded at Annapolis, June 17, 1897, Record of Incorporations, p. 124, etc. *See*, Acts, 1890, ch. 217; 1892, ch. 112.

³*See*, Certificate cited in note 2. *See*, Acts, 1872, ch. 284; 1892, ch. 232. *See*, testimony of Mr. House cited, *ante*, note p. 1279.

⁴*See*, Certificate filed at Annapolis, May 6, 1889; *see*, Acts cited note 2, *supra*.

⁵Certificate filed at Annapolis, September 5, 1896.

⁶*See*, Certificate of Consolidation creating the United Railway and Electric Company filed March, 1899, at Annapolis; *see*, Act 1892, ch. 467; certificate of incorporation filed at Annapolis, dated May 5, 1881. Incorporated under Act 1876, ch. 242.

⁷*See*, Act 1896, ch. 248; Act 1894, ch. 286. *See*, note (2, 3, 4 and 5), *ante*, p. 1281.

⁸*See*, Act of Incorporation of this road, Act 1894, ch. 286 and Act changing its name to B. & B. A. El. Ry. Co. ("D").

E

BALTIMORE, CATONSVILLE AND ELLICOTT'S
MILLS PASSENGER RAILWAY CO.¹

F

MARYLAND TRACTION COMPANY.²(A)³ COLUMBIA AND MARYLAND RAILWAY COMPANY.(a)⁴ *Columbia and Maryland Railway.*(b)⁵ *Washington and Maryland Railway Company.*(c)⁶ *Edmondson Avenue, Catonsville and Ellicott City
Pass. Ry. Co.**This road and the Maryland Traction Company acquired*

¹Operated by City and Suburban Railway Company prior to consolidation of U. Rys. and Elec. Co.; *See*, Acts 1860, ch. 34; 1865, ch. —; 1884, ch. 162. *See*, note 7, relating to this road, *ante*, page 1284.

²*See*, Certificate of Incorporation filed at Annapolis, April 21, 1898; this corporation took over the property and franchises of the Columbia and Maryland Railway, assigned to it by the Baltimore Security and Trading Company under a sale held by virtue of the powers conferred by two certain mortgages or deeds of trust executed by said C. and M. Ry. Co., under a decree of the Circuit Court of Baltimore city, dated February 1, 1896.

³*See*, Acts 1896, chs. 338, 622. *See*, note 7 below. *See*, Agreement of Consolidation merging corporations a, b, c, d mentioned *supra*, dated June 1, 1897, Record of Incorporations, folio 120, etc., in office of Secretary of State at Annapolis.

⁴Incorporated under Art. 23, Code, P. G. L., as amended by Act 1892, ch. 383; *see*, Act 1894, ch. 274, and ch. 367.

⁵*See*, Acts 1894, chs. 375, 493; 1898, ch. 234.

⁶Act of Incorporation,—Act 1892, chs. 335, 641. This company and the Maryland Traction Company acquired franchises and trackage rights from the Baltimore and Powhatan Railroad Company and the Baltimore, Calverton and Powhatan Railway Company; *see*, exhibit of private grants to United Railways and Electric Company and its constituent companies, printed in Second Branch Journal of City Council for January 25, 1904, p. 640.

rights from the-

- (1)¹ **Baltimore and Powhatan Railway Company.**
- (2)² **Baltimore, Calverton and Powhatan Railway Company.**
- (aa)³ Hookstown and Pimlico Branch of Balto. Calv. and Pow. R. R. Co.
- (bb)⁴ Randallstown Branch of last named road.
- (3)⁵ **Franklin and Powhatan Passenger Ry. Co.**
- (d)⁶ *Baltimore and Washington Turnpike Company.*

G

***BALTIMORE AND CURTIS BAY RAILROAD COMPANY.⁷**

(Stock of this company owned by Baltimore Traction Company).

(A) BALTIMORE, SOUTH BALTIMORE AND CURTIS BAY RAILROAD COMPANY.

H

GWYNN'S FALLS RAILWAY COMPANY OF BALTIMORE CITY.⁸

(A)⁹ WALBROOK AND GWYNN'S FALLS RAILWAY COMPANY OF BALTIMORE CITY.

¹*See*, Act 1865, ch. 167; 1882, ch. 132; 1888, ch. 237.

²*See*, Act 1872, ch. 285.

³*See*, Certificate of Incorporation filed at Annapolis, January, 1882.

⁴*See*, Certificate of Incorporation filed at Annapolis, March, 1872.

⁵*See*, Act 1865, ch. 167; *see also*, Act 1864, ch. 288.

⁶*See*, Acts 1892, chs. 700, 937.

⁷*See*, Acts 1890, ch. 505; 1892, ch. 360.

⁸*See*, deed from this company of its corporate franchises to United Railways and Electric Company, Land Records, Baltimore city, Liber R. O. 1776, fol. 307, March 4, 1899.

⁹*See*, certificate filed at Annapolis September 20, 1897, incorporating this road.

**See*, Certificate of Consolidation creating Baltimore Consolidated Railway Co. filed at Annapolis, June 17, 1897.

- (B)¹ GWYNN'S FALLS RAILWAY COMPANY OF BALTIMORE COUNTY.

I

***SHORE LINE ELECTRIC RAILWAY COMPANY.²**

(Stock owned by Baltimore Traction Company).

J

***PIMLICO AND PIKESVILLE RAILROAD COMPANY.**

(Capital stock owned by Baltimore Traction Company).

- (A)³ PIMLICO AND PIKESVILLE RAILROAD COMPANY.

- (B)⁴ BALTIMORE, PIMLICO AND PIKESVILLE RAILROAD CO.

K

***WALBROOK, GWYNN OAK AND POWHATAN RAILROAD CO.⁵**

(Capital stock owned by Baltimore Traction Company).

- (A)⁶ GARRISON AVENUE RAILWAY COMPANY.

¹See, certificate filed among Records of Baltimore county, Corporations No. 3, fol. 348, April 26, 1895, incorporating this road; see, Act 1896, ch. 191.

²Certificate of Incorporation, filed, Annapolis, January 23, 1896; No Acts.

³See, Certificate of incorporation, filed, Annapolis, January, 1882.

⁴See, certificates filed at Annapolis, May 25, 1872; June 13, 1872 and July 8, 1874.

⁵See, Certificate of Incorporation filed at Annapolis, Oct. 16, 1893, Corporations, fol. 31, etc. See, also, deed from this corporation to United Railways and Electric Company, Land Records of Baltimore City, Liber R. O. No. 1776, fol. 308, etc.

⁶See, Certificate of Incorporation filed, Annapolis, November 22, 1897.

*NOTE.—See, Certificate of Consolidation forming Baltimore Consolidated Railway Company filed at Annapolis, June 17, 1897. Corporations, Record, folio 124, etc.

L

CONSTITUENT COMPANIES ACQUIRED BY PURCHASE OF STOCK OR BONDS.**

(A)¹ **BALTIMORE, MIDDLE RIVER AND SPARROWS POINT RAILROAD CO.**

(a)² *Baltimore, Middle River and Spar. Pt. R. R. Co.*

(b)³ *Dundalk, Sparrows Point and North Point Ry. Co.*

(B)⁴ **PRESIDENT, MANAGERS AND COMPANY OF THE BALTIMORE AND YORKTOWN TURNPIKE COMPANY.**

(C)⁴ **CHARLES STREET AVENUE COMPANY.**

(D)⁴ **BALTIMORE AND HARFORD TURNPIKE COMPANY.**

(E)⁴ **BALTIMORE AND JERUSALEM TURNPIKE COMPANY.**

****NOTE.**—The following incorporated Street Railway Companies apparently never had any active corporate existence, viz: Park Tramway Company; Patterson and Druid Hill Parks Railway Company; Metropolitan Railroad Company of Baltimore City; Metropolitan Passenger Railway Company of Baltimore City; Baltimore and Herring Run Railway Company; East Baltimore and Clifton Park Railway Company; Union Railway Company and the East Baltimore Passenger Railway Company.

¹*See*, Certificate of Incorporation, filed at Annapolis, July 6, 1893. *See*, Land Records of Baltimore city, Liber R. O., No. 1776, fol. 497, etc.

²For Certificate of Consolidation of Roads (a) and (b) *see*, Records in office of Secretary of State, Annapolis, Corporations, Liber fol. 214, January 21, 1903. Act 1898, ch. 281.

³Certificate of Incorporation filed at Annapolis, December 31, 1900, fol. 227, etc.

⁴Majority of capital stock of these companies is owned by the United Railways and Electric Company; *See*, First Consolidated Mortgage of said company, Land Records of Baltimore city, Liber R. O. No. 1776, folio 497, etc.

INDEX.

INDEX.

References to the Charter and Miscellaneous Local Laws are denoted by the word "Acts;" to Ordinances by "Ords."

	Page		Page
ABANDONED OR UN-CLAIMED MONEY OR PROPERTY,		ABATEMENTS OF WATER RATES,	
<i>See "Special Fund."</i>		Water Board: powers of, relating to water rates.	
ABANDONED WELLS,		Acts, Sec. 87A.....	147
covering of.		ABSENCE FROM DUTY,	
Ords., Art. 40, Sec. 38.....	1189	<i>See "Police Commissioners."</i>	
ABATEMENT OF ASSESSMENTS,		City Engineer in case of absence may delegate his powers to a subordinate.	
by appeal to Baltimore City Court, case cited, foot-note	187	Acts, Sec. 86A.....	145
ABATEMENT OF NUISANCES,		ABSENCE OF MEMBERS OF CITY COUNCIL,	
<i>See "Nuisances."</i>		<i>See "City Council."</i>	
cost of.		ABSENT OWNERS, ETC.,	
Ords., Art. 14, Sec. 84.....	822	<i>See "Streets, Bridges and Highways" and "Opening, etc., Streets."</i>	
duty of Commissioner of Health.		ABSTRACTS OF TITLE,	
Ords., Art. 14, Sec. 84.....	822	clerk to City Solicitor to preserve and file.	
ABATEMENTS OF TAXES,		Acts, Sec. 65.....	136
<i>See "Appeal Tax Court" and "Taxes."</i>		relating to B. D. Commission.	
hearings of applications for.		App. A, Sec. 1.....	1236
Ords., Art. 38, Sec. 14.....	1161	ACADEMIES,	
manufactures, to encourage.		water rents for.	
Acts, Sec. 6.....	85	Ords., Art. 41, Sec. 63.....	1220
record to be kept of.		ACCEPTANCE OF DEDICATION,	
Acts, Sec. 6.....	85	<i>See "Dedicated Streets,"</i>	
report of, to City Council.		foot note.....	74
Acts, Sec. 6.....	85	ACCOUNTING FOR CITY PROPERTY,	
ABATEMENTS OF WATER CHARGES,		annually to City Librarian by persons responsible.	
notice of vacancy to be given.		Ords., Art. 21, Sec. 3.....	905-906
Ords., Art. 40, Sec. 8.....	1180		
when to be allowed.			
Ords., Art. 40, Sec. 8.....	1180		

	Page
ACCOUNT OF PERSONAL PROPERTY,	
See " <i>Personal Property.</i> "	
Acts, Sec. 158.....	179
failure of owner to render; penalty.	
Acts, Sec. 159.....	179
ACCOUNTS,	
jail, books of.	
Acts, Sec. 125.....	164
treasurer of Police Commissioners.	
Acts, Sec. 752.....	464
Water Board to keep.	
Ords., Art. 40, Sec. 2.....	1177
water rents and charges.	
Ords., Art. 40, Sec. 4.....	1178
ACCOUNTS AND ANNUAL REPORT,	
Trustees of McDonogh Fund.	
Ords., Art. 22, Sec. 7.....	911
ACCOUNTS OF CITY,	
See " <i>City Register</i> " and " <i>Comptroller.</i> "	
method of disbursement of city monies.	
Ords., Art. 6, Sec. 29.....	708
system of accounts to be adopted.	
Ords., Art. 6, Sec. 29.....	708
ACCOUNTS OF CITY OFFICIALS,	
See " <i>Comptroller.</i> "	
Comptroller may examine and report thereon.	
Ords., Art. 6, Secs. 2, 3....	699
ACCOUNTS WITH CITY OFFICIALS,	
See " <i>Comptroller.</i> "	
Comptroller to open.	
Ords., Art. 6, Sec. 4.....	699
ACQUITTALS,	
costs in cases of.	
Acts, Sec. 340.....	278
costs, recovery of in cases of acquittal.	
Acts, Sec. 341.....	278

ACTIONS AND SUITS,

Code not to affect suits pending at time of adoption.	
Sec. 1.....	1229

ACTS,

1888, ch. 98, Sec. 3.....	42
---------------------------	----

ADDITIONS AND EXTENSIONS,

See "*Burnt District Commission.*"

to public wharves and docks

App. A. {	Sec. 2.....	1236-1237
	Sec. 3.....	1237
	Sec. 4.....	1238
	Sec. 8.....	1242

ADJOINING LOTS,

nuisances on; procedure; penalty.

Ords., Art. 14, Sec. 86..	823
---------------------------	-----

ADJOURNMENT OF CITY COUNCIL BRANCHES,

See "*City Council.*"

ADJUSTMENT OF WEIGHTS AND MEASURES,

duties of keepers.

Ords., Art. 17, Sec. 20.....	882
------------------------------	-----

ADMISSIONS UNDER PRACTICE ACT,

See "*Courts—Law Courts of Baltimore City*" sub-title "*Speedy Judgment Act.*"

Acts, Sec. 312.....	266
---------------------	-----

ADULTS,

vaccination of.

Ords., Art. 14. Sec. 24..	804
---------------------------	-----

ADVANCES BY PAWN-BROKERS,

pledges to secure.

Ords., Art. 41, Secs. 31-34.....	1207-1209
----------------------------------	-----------

ADVERSE POSSESSION,

doctrine in relation to highways, foot-note.....

	Page
ADVERTISEMENTS,	
<i>See "Notice," "Ordinances and Resolutions."</i>	
application for building permits.	
Ords., Art. 38, Sec. 22.....	1163
application of owners for grading, paving, etc.	
Ords., Art. 35, Sec. 63.....	1113
assessments for paving, etc.	
Ords., Art. 35, Secs. 93, 94, 95.....	1127-1128
certificates of, record to be kept.	
App. A, Sec. 1.....	1236
clerk to Commissioners for Opening Streets to preserve copies of notices and certificates of publication.	
Acts, Sec. 173.....	190
deposit of proceedings for grading, paving, etc., streets.	
Ords., Art. 35, Sec. 68.....	1116
deposit of proceedings in street openings.	
Acts, Sec. 177.....	195
franchises, applications for.	
Acts, Sec. 10.....	97
German paper to publish city advertisements: selection of such paper.	
Ords., Art. 1, Sec. 43.....	585
grants and franchises, publication by Comptroller.	
Acts, Sec. 10.....	97
ordinances relating to opening, etc., streets.	
Acts, Sec. 828.....	522-523
Sec. 829.....	523
Sec. 831.....	524
pawnbrokers, list of licensed pawnbrokers.	
Ords., Art. 41, Sec. 35.....	1209
payment of newspaper advertising.	
Ords., Art. 1, Sec. 28....	579
proposals for grading, paving, etc., on application of owners.	
Ords., Art. 35, Sec. 56.....	1110

	Page
ADVERTISEMENTS—(Cont'd).	
proposals from contractors.	
Acts, Sec. 14.....	98
sale of property assessed for benefits in street opening, closing, etc.	
Acts, Sec. 182.....	199
sales of property by Comptroller.	
Ords., Art. 38, Sec. 37.....	1170
tax sales, sale of property to be advertised.	
Acts, Sec. 43.....	123
Notice,	
application for ordinances to construct sewer, etc.	
Acts, Sec. 821.....	506
assessments for grading, etc.; notice of review.	
Ords., Art. 35, Sec. 67.....	1115
before acting under ordinance to construct sewer, etc.	
Acts, Sec. 822.....	506
footways, notice relating to filling up.	
Ords., Art. 35, Sec. 21.....	1098
licenses for vehicles, boats and scows; notice as to numbers, etc.	
Ords., Art. 41, Sec. 84.....	1227
meetings of Burnt District Commission.	
App. A, Sec. 8.....	1242
owner to repair footways.	
Ords., Art. 35, Sec. 20.....	1097-1098
owners to select paving.	
Ords., Art. 35, Sec. 78.....	1120-1121
resale by City Collector for Burnt District Assessments.	
App. A, Sec. 15.....	1251
sale for assessments by Burnt District Commission.	
App. A, Sec. 14.....	1251
sale of market stalls.	
Ords., Art. 23, Sec. 20....	925
nuisances in private streets, notices to owners.	
Ords., Art. 35, Secs. 86, 88.....	1123-1124

	Page
ADVERTISEMENTS—(Cont'd).	
payment of taxes, notice to taxpayers.	
Acts, Sec. 51.....	128
sales of chattels for taxes, notice to be published.	
Acts, Sec. 49	127
tax sales, notice of, to be published.	
Acts, Sec. 42.....	122
ADVERTISING SIGNS AND FENCES,	
<i>See "Buildings;" "Fences"</i>	
.....	626-627
AFFIDAVIT UNDER PRACTICE ACT,	
<i>See "Courts."</i>	
Acts, Sec. 313.....	267-268
AFFILIATION OF VOTERS,	
when required to be stated, effect of.	
App. C, Secs. 1,2.....	1273-1275
.....	1276
AGENTS OF WATER BOARD,	
penalty for refusing entry to.	
Ords., Art. 40, Sec. 12.....	1181
AGREEMENTS,	
landlord and tenant's agreement as to notice to quit.	
Acts, Sec. 851.....	550
AISLES OF BUILDINGS,	
<i>See "Buildings;" "Inspector of Buildings."</i>	
amusement halls, etc., aisles to be kept clear, and exits opened after each performance.	
Ords., Art. 25, Sec. 35.....	970
AISLES OR PASSAGEWAYS,	
obstruction of, in buildings of public assemblage.	
Acts, Sec. 280.....	251-252
<i>See "Fire Department."</i>	
ALARMS OF FIRE,	
police to turn in.	
Ords., Art. 11, Sec. 47....	752

	Page
ALIENATIONS OF PROPERTY,	
<i>See "Assessment of Property" and "Appeal Tax Court."</i>	
clerks of courts to furnish lists of to Appeal Tax Court.	
Acts, Sec. 165.....	182
inquiry of Appeal Tax Court, respecting.	
Acts, Sec. 156.....	178
reduction of assessments, on account of.	
Acts, Sec. 156.....	178
ALIENEE OF PROPERTY,	
to be assessed.	
Acts, Sec. 166.....	183
ALL NIGHT CARS,	
hours during which same are to be run.	
Ords., Art. 30, Sec. 22.....	1022
.....	1023
street railway lines on which cars are to be run.	
Ords., Art. 30, Sec. 22.....	1022
.....	1023
ALLEGATIONS IN SALES UNDER DECREES,	
Acts, Sec. 724	436
ALMSHOUSE,	
admission of indigent distressed persons.	
Acts, Sec. 108.....	160
by-laws and rules, Supervisors to make.	
Acts, Sec. 111.....	160
disorderly inmates.	
Acts, Sec. 112.....	160
erection and regulation of.	
Acts, Sec. 6.....	54
poor, care of, outside almshouse.	
Acts, Sec. 105.....	158
purveyor of provisions to, bond of.	
Acts, Sec. 116.....	162
transfer of prisoners from city jail.	
Acts, Sec. 143.....	169

	Page
ALMSHOUSE—(Cont'd).	
superintendent of—accounts, annual report.	
Acts, Sec. 114.....	161
—appointment, salary.	
Acts, Sec. 113.....	161
—bond of.	
Acts, Sec. 113.....	161
—disorderly inmates, re- port to Supervisors of City Charities.	
Acts, Sec. 112.....	161
—list of persons com- mitted to almshouse.	
Acts, Sec. 114.....	161

ALTERATIONS AND RE- PAIRS TO BUILDINGS,

See "*Buildings.*"

Ords., Art. 3, Sec. 11-12, 603-604

AMBASSADORS, MINIS- TERS, CONSULS,

exemption from immigrant
regulations.

Acts, Sec. 531..... 336

AMBULANCES,

See "*Hospitals.*"

Ords., Art. 16, Secs. 14-16 873

AMERICAN FLAG ON PUB- LIC BUILDINGS,

raising on holidays and Me-
morial Day.

Ords., Art. 28, Sec. 6.....1006

AMERICAN FLAG ON SCHOOLS,

authority to purchase flag for
each school; when to be
raised.

Ords., Art. 32, Sec. 7.....1045

AMUSEMENT HALLS, ETC.,

aisles to be kept clear and
exits opened for each audi-
ence.

Ords., Art. 25, Sec. 35.... 970

AMUSEMENTS,

balls, licenses for.

Ords., Art. 41, Sec. 11.....199

balls, rates of charge for li-
censes for.

Ords., Art. 41, Sec. 12....1199

AMUSEMENTS—(Cont'd).

billiard and bagatelle tables;
licenses for.

Ords., Art. 41, Sec. 3.....1196

bowling alleys—license for.

Ords., Art. 41, Sec. 4.....1197

—property owners to
assent to opening of.

Ords., Art. 41, Sec. 5.....1197

flying horses, whirligigs, etc.,
license for.

Ords., Art. 41, Sec. 10....1199

license and regulation of.

Acts, Sec. 6..... 86

musical parties, license for.

Ords., Art. 41, Sec. 13.....1200

shuffle boards, license for.

Ords., Art. 41, Sec. 6.....1197

theatres, etc., annual license
fee.

Ords., Art. 41, Sec. 9.....1198

theatres, license for.

Ords., Art. 41, Sec. 8.....1198

theatrical performances, li-
cense for.

Ords., Art. 41, Sec. 7....1197

ANALYSIS OF SPRING WATER,

Commissioner of Health to
have analysis made; record;
notice to Water Engineer.

Ords., Art. 14, Sec. 127..834, 835

ANALYSTS,

See "*Inspectors and Analysts.*"

ANALYSTS AND CHEMISTS,

See "*Health*" under "*Food
and Food Products.*"

Ords., Art. 14, Sec. 61 814-815

ANATOMY,

See "*Dead Bodies.*"

ANATOMY, MUSEUMS OF,

display or exposure of any
part of, on streets, penalty.

Ords., Art. 25, Sec. 62....977-8

ANIMAL OFFAL,

factories using, not to be erect-
ed; penalty.

Ords., Art. 14, Sec. 77.... 820

	Page
ANIMALS,	
removal of dead animals. Ords., Art. 36, Sec. 11.....	1144
ANNE ARUNDEL COUNTY,	
Light street bridge — joint maintenance of. Acts, Sec. 6.....	83
ANNEX,	
<i>See "Grading, Paving etc. Streets;" "Streets and City Engineer" and "Topo- graphical Survey."</i>	
assessment of taxes in. Acts, Sec. 4.....	43
dedication of streets in. Acts, Sec. 193.....	202
expenditures for improve- ments in. Acts, Sec. 4.....	43
"Landed property" defined. Acts, Sec. 4A.....	44
maps and plans of streets in; preparation and effect of. Ords., Art. 39, Secs. 5-7	1173-1174
new station-houses in; sites to be acquired; erection of. Acts, Secs. 786-787-788....	487
numbering houses in. Ords., Art. 39, Secs. 8-11	1174
plan of streets in—effect of maps and plans of Topo- graphical Survey. Ords., Art. 39, Secs. 5-7..	1173-1174
plans for streets of, adopted. Ords. Art. 39, Sec. 5.....	1173
undeveloped property, tax rate on. Acts, Sec. 4.....	43, 44
taxation—county rate of tax- ation to apply in until 1900. Acts, Sec. 4.....	43
topographical survey of. Ords., Art. 39, Sec. 1.....	1171
ANNEXATION ACT,	
construction of terms of. Acts, Sec. 4A.....	note 44

ANNEXATION ACT—(Cont'd).	
effect of Charter on. Acts, Sec. 3.....	42
terms of defined. Acts, Sec. 4A.....	44
turnpike and toll road com- panies—effect of Act on. Acts, Sec. 5.....	45
turnpikes, effect of Act on. Acts, Sec. 3.....	note 42

ANNEX FOOTWAYS,

<i>See "Footways" and "Streets and City Engineer."</i>	
construction and repair of. Ords., Art. 35, Sec. 29.....	1101
grading of. Ords., Art. 35, Sec. 30.....	1101
notice to owners to construct or repair. Ords., Art. 35, Sec. 29.....	1101

**ANNEX IMPROVEMENT
ACT,**

condemnation of railway fran- chises in streets of Annex. Acts, Sec. §800b.....	495
---	-----

**ANNEX IMPROVEMENT
COMMISSION,**

<i>See "Streets, Bridges and Highways" and "Streets and City Engineer."</i>	
duties of, to be performed by Commissioners for Opening Streets; note.....	1117-1118

**ANNUAL APPROPRIA-
TIONS,**

<i>See "Estimates for Annual Appropriations;" "Appro- priations;" "Ordinance of Estimates" and "Board of Estimates."</i>	
New Sewerage Commission to estimate cost and expense annually to Board of Esti- mates. Acts, Sec. §824f.....	515

	Page
ANNUAL LEVY,	
See " <i>Appeal Tax Court;</i> "	
" <i>Assessment of Taxes</i> "	
and " <i>Taxes.</i> "	
Acts, Sec. 40	188-189
Acts, Sec. 171.....	188-189
basis of, to be valuation of	
taxable property on the	
first day of October.	
Acts, Sec. 171.....	188
Comptroller to charge City	
Collector with.	
Ords., Art. 6, Sec. 3.....	699
ANNUAL LEVY FOR PO-	
LICE EXPENSES,	
Acts, Sec. 747	459
ANNUAL REPORTS,	
See " <i>under various titles of</i>	
<i>city officials.</i> "	
Board of Fire Commissioners	
to make.	
Ords., Art. 11, Sec. 5	737
City Engineer's report.	
Ords., Art. 35, Sec. 2.....	1092
City Librarian.	
Acts, Sec. 197.....	203
Acts, Sec. 199.....	206
heads of departments to make	
to Mayor.	
Acts, Sec. 24.....	104
McDonogh Fund, trustees to	
make to Mayor and City	
Council.	
Ords., Art. 22, Sec. 7.....	911
Mayor's report.	
Acts, Sec. 22.....	102
trustees of Special Police	
Fund.	
Acts, Sec. 776A.....	475
Visitors of Jail to make.	
Acts, Sec. 134.....	166
Water Board to make to City	
Council.	
Ords., Art. 40, Sec. 2.....	1178
Water Board and Water En-	
gineer's report.	
Ords., Art. 40, Sec. 2.....	1178

ANNUAL REPORTS—(Cont'd).

Water Engineer, report to	
City Council.	
Ords., Art. 40, Sec. 2.....	1178
when to be made.	
Ords., Art. 1, Sec. 36.....	582

ANNUITIES,

investment of sinking fund	
monies in.	
Ords., Art. 34, Sec. 16.....	1082

APARTMENT HOUSES AND HOTELS,

fire gongs in (*See "Fire."*)

APARTMENTS OF CONSUMPTIVES,

See " <i>Communicable Diseases.</i> "	
prevention of contagion in.	
App. B, Sec. 3.....	1266

APPARATUS FOR TESTING GAS METERS,

See " <i>Lamps and Lighting.</i> "	
purchase of, by Superintend-	
ent of Lamps and Light-	
ing.	
Ords., Art. 20, Sec. 6.....	895

APPARATUS OF FIRE DEPARTMENT,

See " <i>Fire Department.</i> "	
Ords., Art. 11, Sec. 14.....	741

APPEAL BONDS,

See " <i>Bonds.</i> "	
executed by Mayor in cases	
of litigation in which city	
is concerned.	
Ords., Art. 1, Sec. 1.....	571

APPEALS,

See "*Appeals from Assessments;*" "*Appeal Tax Court;*" "*Buildings;*" "*Commissioners for Opening Streets;*" "*Condemnation of Property;*" "*Landlord and Tenant*" and "*Opening, Closing, etc., Streets.*"

APPEALS—(Cont'd).	Page
Arbitration Committee of Corn and Flour Exchange, —from decisions of. Acts, Sec. 228.....	230
building permits, from re- fusal of Appeal Tax Court to issue. Acts, Sec. §280a.....	253
City Council, expelling mem- bers. Acts, Sec. 217.....	215
City Solicitor to direct appeals to be taken. Acts, Sec. 66.....	136
condemnation proceedings— for esplanades, etc., in. Acts, Sec. 6.....	49
—relating to water. Acts, Sec. 6.....	90
dispossession of tenants, in proceedings for. Acts, Secs. 861-863.....	552-553
elevators, orders of Inspector of Buildings. Ords., Art. 3, Sec. 73....	626
Jones' Falls condemnation proceedings. Acts, Sec. 6.....	59
recovery of penalties for viola- tions by owners of hackney carriages. Acts, Secs. 288-289.....	256
squares, springs, monuments. Acts, Sec. 6.....	70
steam, gas, etc., engines and machinery,—orders of In- spector of Buildings. Ords., Art. 3, Sec. 143.....	655
Superintendent of Lamps and Lighting, decisions in test- ing meters. Ords., Art. 20, Sec. 8.....	896
Assessments,	
See " <i>Appeal Tax Court.</i> "	
Acts, Sec. 147.....	171
Acts, Sec. 170.....	184-187

APPEALS—(Cont'd).	Page
Behalf of City,	
when and by whom instituted. Acts, Sec. 66.....	136
Condemnation Proceedings,	
City Court to hear and deter- mine. Acts, Sec. 320.....	272
city to have right of appeal. Acts, Sec. 320.....	270
practice and procedure in Bal- timore City Court. Acts, Sec. 320.....	272
Justices of the Peace,	
costs in trial of. Acts, Sec. 389.....	294
trial of, in Baltimore City Court; costs. Acts, Sec. 319.....	271
Opening etc., Streets,	
consolidation of, (<i>See "Com- missioners for Opening Streets."</i>) Acts, Sec. 6..... Acts, Sec. 179.....	72 196
Paving Commission, provi- sion for. Acts, Sec. §841q.....	543
allegations necessary in peti- tion. Acts, Sec. 170.....	184
appeals from decision of State Tax Commissioner by city. Acts, Sec. §170a.....	187-188
—grounds of, to be stated.....	187
—decision of Comptroller of Treasury to be final.....	188
—when appeal shall be taken	187
—Comptroller of Treasury to hear and determine. Acts, Sec. §170a.....	187-188
Burnt District Commission assessments. App. A, Sec. 12.....	1248

	Page
APPEALS—(Cont'd).	
grading, paving, etc.	
Acts, Sec. 6.....	75
Art. 35, Sec. 96.....	1128
—tax for—appeal from.	
Acts, Sec. 6.....	77-78
paving, etc.	
Ords., Art. 35, Sec. 68.....	1116
sewers; opening and constructing same; jury trial of.	
Acts, Sec. 818.....	504-505
APPEAL TAX COURT,	
<i>See "Appeals;" "Appeals from Assessments;" "Assessments;" "Assessments for Taxes;" "City Collector" and "Taxes."</i>	
Art. 38, Sec. 1-16.....	1154-1161
abatement of assessments.	
account of.	
Ords., Art. 38, Sec. 5.....	1157
—encouragement of manufactures.	
Acts, Sec. 6.....	85
—hearing of applications for.	
Ords., Art. 38, Sec. 14.....	1161
—not to be made on real estate.	
Ords., Art. 38, Sec. 11.....	1160
—when taxes uncollectible.	
Ords., Art. 38, Sec. 4.....	1156
abatements of taxes, where taxes have been paid.	
Ords., Art. 38, Sec. 5.....	1157
advertisement of applications for permits.	
Ords., Art. 38, Sec. 21.....	1163
alienation of property, chancery sales, decrees and judgments—clerks to report.	
Acts, Sec. 165.....	182
alienations of property.—inquiry and allowance for.	
Acts, Sec. 156.....	178
alteration and correction of assessments.	
Acts, Sec. 167.....	183
appeals from assessments.	
Acts, Sec. 170.....	184-187
—allowance to petitioner if assessment excessive.....	186

	Page
APPEAL TAX COURT—(Cont'd).	
—appeal to be by	
petition	184
—averments necessary in	
petition	184
—appeal to Court of	
Appeals	187
—hearing of appeals	185
—increase of assessment.....	187
—judgment of City Court.....	187
—when final.....	186
—jury trial, or trial by court.....	186
—no stay of levy by appeal.....	186
—persons or corporation who may appeal.....	184
—petition by Mayor and City Council of Baltimore.....	184
—practice in appeals.....	185
—record of proceedings of Appeal Tax Court.....	185
—record of trial of appeals	
—refund of erroneous assessment	186
—summons in trial of appeals.....	185
—when appeals shall be taken	
appeals, hearing of.	
Acts, Sec. 147.....	171
as a court of review, note.....	171
assessment of personal property of owners moving to city.	
Acts, Sec. 158.....	179
assessment of property generally.—powers of the Court.	
Acts, Sec. 164A.....	181
assessment of property, witnesses to appear and testify.	
—penalty for failure.	
Acts, Sec. 164A.....	181
assessments, abatement of, when taxes uncollectible.	
Ords., Art. 38, Sec. 4.....	1156
—cases cited, note.....	118
—correction of errors and deductions for losses	
Ords., Art. 38, Sec. 6.....	1157
—court to correct account and assessments of property.	
Acts, Sec. 147.....	171
—duty before increasing.	
Acts, Sec. 150.....	172

APPEAL TAX COURT—(Cont'd).

	Page
—new improvements.	
Ords., Art. 38, Sec. 10.....	1159
—newly assessed property.	
Ords., Art. 38, Sec. 14	
.....	1160-1161
—procedure in fixing.	
Acts, Sec. 150.....	172
—report by assessors of	
new and increased as-	
sessment.	
Ords., Art. 38, Sec. 14	
.....	1160-1161
assessors, appointment of.	
Ords., Art. 38, Sec. 1.....	1154
—bond, oath, duties of.	
Ords., Art. 38, Sec. 1.....	1155
—compensation of.	
Acts, Sec. 149.....	172
—duties of.	
Acts, Sec. 148.....	171
—office for, to be provided.	
Ords., Art. 38, Sec. 15.....	1161
—salaries of.	
Ords., Art. 38, Sec. 1.....	1154
—special assessors, salaries of.	
Ords., Art. 38, Sec. 1	
.....	1154-1155
Bailiffs of City Collector,	
powers of.	
Ords., Art. 38, Sec. 16.....	1161
bench composing head, ap-	
pointment.	
Acts, Sec. 146.....	170
bond of members of.	
Ords., Art. 38, Sec. 1.....	1154
buildings, permits for new	
structures.	
Ords., Art. 3, Sec. 5.....	600-601
building permits from, to be	
exhibited to police, penalty.	
Ords., Art. 25, Sec. 7.....	963
cases cited.	
Acts, Sec. 150.....	173
clerk, salary, duties.	
Acts, Sec. 146.....	170
—to transmit return of	
assessments to State	
Comptroller; penalty for	
failure.	
Acts, Sec. 162.....	180
clerks—appointment of,	
duties of, oath of, salaries	
of.	
Ords., Art. 38, Sec. 2.....	1155

APPEAL TAX COURT—(Cont'd).

	Page
clerks, assessors or employees,	
penalty for failure to per-	
form duties.	
Acts, Sec. 164B	182
Comptroller's list of property	
condemned.	
Ords., Art. 38, Sec. 34.....	1168
compensation of court in	
relation to list of holders	
city loans.	
Acts, Sec. 155.....	176
Department of Review and	
Assessment, president of.	
Acts, Sec. 145	170
description of improvements	
to be filed.	
Ords., Art. 38, Sec. 20.....	1162
correction and revision of	
assessments.	
Acts, Sec. 148.....	172
correction of assessments	
when property is alienated.	
Acts, Sec. 166.....	183
drainage to be provided for,	
before permits shall be	
issued.	
Ords., Art. 38, Sec. 21.....	1163
employes of, appointment.	
Acts, Sec. 146.....	171
exemption of manufacturing	
plants, from taxes on per-	
sonal property.	
Ords., Art. 38, Sec. 7.....	1157-1159
further duties of, may be pre-	
scribed.	
Acts, Sec. 171.....	189
improvements, permits for	
required from, penalty.	
Ords., Art. 38, Sec. 18.....	1162
Sec. 19.....	1162
interrogatories relative to re-	
vision and corrections of	
assessments.	
Acts, Sec. 157.....	178
lists of holders of city loans	
from City Register.	
Acts, Sec. 151.....	173
—to correct annually.	
Acts, Sec. 152.....	174
—when to be made.	
Acts, Sec. 154.....	175

Page
APPEAL TAX COURT—(Cont'd).

list of holders of stock, penalty for failure to furnish. Acts, Sec. §155 a	177
manufacturing plants, etc., exemptions from taxes, arrears of taxes first to be paid. Ords., Art. 38, Sec. 8.....	1159
—applications for exemption; to be renewed annually. Ords., Art. 38, Sec. 7	1158-1159
—receipted bill for taxes due to be produced. Ords., Art. 38, Sec. 9.....	1159
—taxes on personal property; exemptions. Ords., Art. 38, Sec. 7	1157-1159
—exemptions—when not allowed. Ords., Art. 38, Sec. 7.....	1158
meetings of. Acts, Sec. 157.....	171
monthly report of proceedings; date to be given in such report. Ords., 38, Sec. 13.....	1160
new improvements, when to be assessed. Ords., Art. 38, 10.....	1159
newly discovered property, assessment of. Acts, Sec. 169.....	184
office hours. Ords., Art. 38, Sec. 3.....	1156
owners moving to city to give account of personal property. Acts, Sec. 158.....	179
penalty for failure to appear and answer interrogatories. Acts, Sec. 157.....	178
permits for buildings, not to be issued until payment of taxes. Acts, Sec. §280a.....	253
permits to erect buildings, penalty. Ords., Art. 38, Sec 17.....	1161-1162
Sec. 19.....	1162

Page
APPEAL TAX COURT—(Cont'd).

power to summon and interrogate witnesses in assessing property. Acts, Sec. 164A.....	181
president of. Acts, Sec. 146.....	170
record of abatements. Acts, Sec. 6.....	85
reductions of assessments of personal property. Acts, Sec. 160.....	179
refunding taxes paid in error. Ords., Art. 38, Sec. 5.....	1156-1157
refusal to issue building permits, appeals from. Acts, Sec. §280a.....	253
removal of property from city; duty of court. Acts, Sec. 160.....	179
report of abatements to City Council. Acts, Sec. 6.....	85
return day to be set and notice thereof given to owners before fixing assessment. Acts, Sec. 150.....	173
Review and Assessment, first sub-department of. Acts, Sec. 146	170
revision and correction of assessments, powers and procedure of court. Acts, Sec. 157.....	178
salaries of members. Acts, Sec. 146.....	170
shares of stock, assessments of. Acts, Sec. §155a.....	176-177
shares of stock of banks and incorporated institutions. Acts, Sec. §155a.....	176
stock debt of city—tax on prohibited. Ords., Art. 38, Sec. 12.....	1160

APPEAL TAX COURT—(Cont'd).

summons and inquiry to aid in revision and correction of assessments.	
Acts, Sec. 157.....	178
taxable basis—preparation of statement of.	
Acts, Sec. 171.....	188-189
—statement of to be furnished to City Collector and Board of Estimates.	
Acts, Sec. 171	189
taxes charged to suspended account.	
Ords., Art. 38, Sec. 4.....	1156
—doubtful of collection.	
Ords., Art. 38, Sec. 4.....	1156
—paid in error; refunding.	
Ords., Art. 38, Sec. 5,	1156-1157
term of office.	
Acts, Sec. 146.....	170
transfers and corrections.	
Acts, Sec. 147.....	171
transfers of property.	
Ords., Art. 38, Sec. 6.....	1157
when court to assess personal property upon its own inquiry.	
Acts, Sec. 159.....	179

APPEARANCE FEE,

See "Criminal Court."

APPLICANTS FOR EXAMINATION,

See "Police Examiners."

APPLICATIONS,

See "Hackney Carriages" and "Coaches."

new lamps.
Ords., Art. 20, Sec. 3.... 894

privy licenses.
Ords., Art. 41, Sec. 45....1213

APPOINTMENT OF POLICE,

See "Police Commissioners."

APPOINTMENTS IN FIRE DEPARTMENT,

See "Fire Department."
Ords., Art. 11, Sec. 4..... 737

APPOINTMENTS OF OFFICERS,

City Register to keep record of.
Ords., Art. 6, Sec. 23..... 705

APPOINTMENTS TO OFFICE,

See under titles of various municipal officials.

Assistant Superintendent of Lamps and Lighting.
Ords., Art. 20, Sec. 24..... 901

charcoal, measurer and deputies.
Ords., Art. 17, Sec. 24....883-4

Coroners.
Acts, Sec. 294..... 258

keepers of standards of weights and measures.
Ords., Art. 17, Sec. 4....876-7

Mayor, power of.
Acts, Sec. 25..... 104

New Sewerage Commission—members of.
Act, Sec. §824a..... 507

APPOINTMENTS TO POLICE FORCE,

See "Police Commissioners."

APPROPRIATIONS,

See "Board of Estimates;" "Police Commissioners" and "Special Police Fund."

annual appropriations, estimates for.
Acts, Sec. 36..... 115

approval and veto of, by Mayor.
Acts, Sec. 23.....103-104

Burnt District Commission.
App. A, Sec. 29.....1257-1258

communicable diseases—to prevent spread of.
App. B, Sec. 5.....1267

Page

APPROPRIATIONS—(Cont'd).

fire deparment, pensions and relief of widows and children.

Acts, Sec. 445..... 307

Houses of Refuge and Reformation.

Acts, Sec. 517-518.....331-332

indigent poor, support of.

Acts, Sec. 105..... 158

—note and cases cited.

Acts, Sec. 105..... 158

Manual Labor School.

Acts, Sec. 816..... 503

poor in private institutions.

Acts, Sec. 106..... 158

Veteran Volunteer Firemen's Association.

Acts, Sec. 448..... 309

APPROPRIATIONS FOR INTEREST PAYMENTS,

city stock, ordinance of estimates to provide.

Ords., Art. 34, Sec. 9.....1079

APPROPRIATIONS FOR PENSIONS,

See "Special Police Fund."

APPROVAL OF BONDS,

See "Bonds."

APPROVAL OF CONTRACTS,

See "Contracts."

APPROVAL OF ORDINANCES,

See "Mayor."

ARBITRATION,

wood — disputes relating to measurement of.

Acts, Sec. 599..... 359

ARBITRATION COMMITTEE OF THE CORN AND FLOUR EXCHANGE,

appeal.

Acts, Sec. 228..... 230

authority and jurisdiction.

Acts, Sec. 227..... 229

Page

Arbitration Committee of the Corn and Flour Exchange—(Cont'd).

award by agreement final.

Acts, Sec. 228..... 230

controversies submitted in writing.

Acts, Sec. 226..... 228

copies of award, secretary to furnish.

Acts, Sec. 227..... 229

“ “ 228..... 230

costs.

Acts, Sec. 227..... 229

directors, board of,

Acts, Sec. 226..... 228

dissenting opinion.

Acts, Sec. 227..... 229

duties of committee.

Acts, Sec. 226..... 228

election of committee.

Acts, Sec. 226..... 228

jurisdiction.

Acts, Sec. 226..... 228

note and cases cited

229

practice and procedure.

Acts, Sec. 227..... 229

process and subpoena.

Acts, Sec. 227..... 229

records.

Acts, Sec. 227..... 229

stay of judgment.

Acts, Sec. 228..... 230

striking out judgments.

Acts, Sec. 228..... 239

vacancies on committee.

Acts, Sec. 226..... 228

ARBITRATION, COURT OF,

affidavit of successful party.

Acts, Sec. 225..... 228

affreightment.

Acts, Sec. 223..... 221

agency.

Acts, Sec. 223..... 221

application for writ.

Acts, Sec. 225..... 227

bailment.

Acts, Sec. 223..... 221

bills of exchange.

Acts, Sec. 223..... 221

bills of lading.

Acts, Sec. 223..... 221

Board of Trade to organize court.

Acts, Sec. 223..... 221

clerk.

Acts, Sec. 224..... 225

	Page
ARBITRATION, COURT OF— (Cont'd).	
commercial paper.	
Acts, Sec. 223.....	221
compensation of judges.	
Acts, Sec. 224.....	225
contracts of sale.	
Acts, Sec. 223.....	221
contracts of work and labor.	
Acts, Sec. 223.....	221
costs.	
Acts, Sec. 224.....	226
decree of court.	
Acts, Sec. 225.....	227
docket.	
Acts, Sec. 225.....	227
duties of judge and clerk.	
Acts, Sec. 224.....	225
execution.	
Acts, Sec. 225.....	227
fee.	
Acts, Sec. 224.....	226
guaranty.	
Acts, Sec. 223.....	221
habere facias possessionem writ.	
Acts, Sec. 225.....	225
hearings.	
Acts, Sec. 224.....	226
insurance.	
Acts, Sec. 223.....	221
judge, election of.	
Acts, Sec. 224.....	224
lay arbitrators.	
Acts, Sec. 224.....	225
manufacturing.	
Acts, Sec. 223.....	221
mechanic arts.	
Acts, Sec. 223.....	222
navigation.	
Acts, Sec. 223.....	222
notes, promissory.	
Acts, Sec. 223.....	221
partnership.	
Acts, Sec. 223.....	221
personal chattels.	
Acts, Sec. 225.....	228
pleadings.	
Acts, Sec. 224.....	226
practice.	
Acts, Sec. 224.....	226
qualification of judge.	
Acts, Sec. 224.....	225
recovery of property.	
Acts, Sec. 225.....	227
rent.	
Acts, Sec. 223.....	221
rules validity of.	
Acts, Sec. 224.....	226

	Page
ARBITRATION, COURT OF— (Cont'd).	
submission in writing.	
Acts, Sec. 223.....	222
term of office of judge and clerk.	
Acts, Sec. 224.....	225
ARBITRATION OF MARKET DISPUTES,	
clerks to act as arbitrators between buyer and seller.	
Ords., Art. 23, Sec. 3.....	919
ARCHES OR GATEWAYS,	
Art Commission to approve.	
Acts, Sec. 202.....	207
ARCHITECTURAL CLUB OF BALTIMORE,	
Art Commission—to appoint member of.	
Acts, Sec. 201.....	207
AREA WITHIN WHICH BUILDING LAWS APPLY,	
<i>See</i> "Buildings."	
boundaries of.	
Ords., Art. 3, Sec. 4.....	600
AREAS AND VAULTS,	
<i>See</i> "Vaults and Areas."	
apertures to be protected when open; penalty.	
Ords., Art. 25, Sec. 113..	996
police to inform Mayor and City Engineer of construction of.	
Ords., Art. 25, Sec. 114.	996
ARREST OF JUDGMENT,	
<i>See</i> "Courts."	
motions in.	
Acts, Sec. 300.....	261
ARREST ON WARRANT,	
fees.	
<i>See</i> "Sheriff's Fees."	
ARRESTS,	
<i>See</i> "Justices of the Peace,"	
"Police Commissioners" and	
"Vagrants and Disorderly Persons."	
Acts 867.....	554, 555

ARRESTS—(Cont'd).

on warrant, duty of police.
Acts, Sec. 642..... 385

pickpockets and common
thieves on premises of rail-
roads or on ferry boats;
persons authorized to make.
Acts, Sec. 784.....482, 486

on warrant; duty of officer,
Acts, Sec. 242..... 384

premises of railroads and rail-
ways; apprehension of
pickpockets and common
thieves on same.
Acts, Sec. 784.....485-486

smoking in stables; power of
police.
Ords., Art. 11, Sec. 56.... 755

without warrant; duty of
police.
Acts, Sec. 642..... 385

ART COMMISSION,

approval of statues, fountains,
etc.

Acts, Sec. 202..... 207

composition of, appointment.
Acts, Sec. 201..... 207

members, societies to select;
when societies default,
Mayor to select.

Acts, Sec. 201..... 207

public structures, advice on.
Acts, Sec. 202-3..... 207

report to City Council on
proposed improvements.

Acts, Sec. 202-3..... 207

vacancies on, how filled.
Acts, Sec. 203..... 207

**ARTICLES INFECTED WITH
DISEASE,**

seizure of; warrant to search
for.
Ords., Art. 14, Sec. 22.... 803

ARTICLES PAWNED,

sale of.
Ords., Art. 41, Sec. 32..
.....1207-1208

ASHES,

See "*Harbor, Docks and
Wharves.*"

Ords., Art. 13, Sec. 26.... 783

Commissioner of Street
Cleaning to direct clean-
ing of.

Ords., Art. 36, Sec. 2....
.....1140-41

deposit in streets prohib-
ited, penalty, proviso.

Ords., Art. 25, Sec. 37.. 970

removal of; receptacles for.

Ords., Art. 36, Sec. 9.....1144

wooden floors, protection of;
penalty.

Ords., Art. 11, Sec. 60.... 756

ASPHALT PAVEMENTS,

kinds of asphalt permitted
for paving.

Ords., Art. 35, Sec 101....1130

ASSAULT AND BATTERY,

assaults—between 6 p.m., and
6 a. m.; penalty.

Acts, Sec. 229..... 231

—firemen on duty, assault on.

Acts, Sec. 447..... 308

—Justices of the Peace at
station houses to try
cases.

Acts, Sec. 632 379, 380

—pleadings and necessary
averments.

Acts, Sec. 230 231

presentment or indictment
for, necessary allegations in.

Acts, Sec. 231..... 231

trials upon..... 231

recognition or commit-
ment in cases of.

Acts, Sec. 230..... 231

sentence for, procedure of
court.

Acts, Sec. 230..... 231

ASSENT TO DECREE,

See "*Mortgages.*"

**ASSESSING DAMAGES IN
GRADING, PAVING, ETC.,
STREETS,**

See "*Streets and City Engi-
neer*," "*Streets, Bridges and
Highways*" and "*Grading,
Paving, etc. Streets.*"

ASSESSMENT OF BENEFITS IN GRADING, PAVING, ETC., STREETS,

See "*Grading, Paving etc., Streets*" and "*Streets and City Engineer.*"

North avenue.

Acts, Sec. 838..... 526-7

ASSESSMENT OF PERSON- AL PROPERTY,

account of to, and assessment
by, Appeal Tax Court.

Acts, Sec. 158..... 179

reduction of assessment on
account of removal.

Acts, Sec. 160..... 179

ASSESSMENTS,

See "*Appeal Tax Court;*"
"*City Collector;*" "*City
Register;*" "*Opening etc.
Streets;*" "*Streets and City
Engineer*" and "*Taxes.*"

-abatement of nuisances.

(See "*Nuisances.*")

benefits and damages
assessed by B. D. Com-
mission.

App. A, Secs. 8, 10, 11-20,
25, 26..... 1242-1255

benefits and damages in open-
ing, closing, etc., streets.

Acts, Sec. 175..... 191

Burnt District Commission—
benefits and damages.

App. A, Secs. 8-28..... 1242-1257

discounts for early payment
of B. D. benefits.

App. A, Sec. 37..... 1263

establishments and changes
of grade in Burnt District.

App. A, Sec. 35..... 1262-1263

grading and paving—appeals
from.

Acts, Sec. 6..... 75

opening, extending and
widening streets.

Acts, Sec. 6..... 72

squares, springs and monu-
ments.

Acts, Sec. 6..... 70

Appeals from,

See "*Appeal Tax Court.*"

Acts, Secs. 147, 170..... 171, 180-184

ASSESSMENTS—(Cont'd).

Grading Paving, Etc.,

See "*Appeals;*" "*City Col-
lector;*" "*City Register*"
and "*Streets and City
Engineer.*"

collection of.

Acts, Sec. 6..... 77

cost of grading, paving etc.,
on application of owners.

Ords., Art. 35, Secs.
74-76, 1119-1120

front foot rule; to be em-
ployed.

Acts, Sec. 6..... 77

levy of tax for.

Acts, Sec. 6..... 77

paving under special ordi-
nances.

Ords., Art. 35, Secs.
92-100..... 1126-1130

Opening and Closing, Etc., Streets,

benefits, lien of; damages, in-
vestment of.

Acts, Sec. 185..... 200

bills for, to parties assessed
for benefits.

Acts, Sec. 181..... 198

Paving Commission, how
paid.

Acts, Sec. §841q..... 543

Property,

See "*Appeal Tax Court*" and
"*Taxes.*"

alteration and change of; pro-
cedure of Appeal Tax Court.

Acts, Sec. 164A..... 181

alteration and correction of,
by Appeal Tax Court.

Acts, Sec. 167..... 183


Appeal Tax Court, duty be-
fore increasing.

Acts, Sec. 150..... 172

appeals and corrections. Ap-
peal Tax Court to hear ap-
peals and make corrections
in assessments.

Acts, Sec. 147..... 171

	Page
ASSESSMENTS—(Cont'd).	
appeals from assessments. Acts, Sec. 170.....	184-187
cases cited, note	181
correction and revision by Ap- peal Tax Court. Acts, Sec. 148.....	172
executors and administrators, property in hands of. Acts, Sec. 168	183-184
general revision every five years. Acts, Sec. 164A	181
new and missed property, taxes on. Acts, Sec. 171.....	188
—omitted property. Acts, Sec. 171	183-188
newly discovered property, assessment of. Acts, Sec. 169.....	184
notice to owner before in- creasing. Acts, Sec. 150	172
omitted or acquired property. Acts, Sec. 167.....	183
powers of Appeal Tax Court in general. Acts, Sec. 164A	181
record of taxable property. Acts, Sec. 161.....	180
—to contain valuations and assessments of prop- erty and alphabetical list of owners. Acts, Sec. 161.....	180
return of, to State Comp- troller. Acts, Sec. 162	180
shares of stock; assessment of, case cited, foot note.....	188
transfers of property; correc- tion of assessments. Acts, Sec. 166.....	183
Sewers,	
basis of assessments to be area drained. Ords., Art. 33, Sec. 6.....	1063

	Page
ASSESSMENTS—(Cont'd).	
benefits—lien of assessments. Ords., Art. 33, Sec. 14.....	1070
levy for cost of construction. Acts, Sec. 818.....	504
Taxes,	
<i>See "Appeal Tax Court,"</i> <i>"City Collector," "City</i> <i>Register" and "Taxes."</i> Ords., Art. 38, Secs. 4-14,	1156-1161
adjustment of, when assess- ment is increased or de- creased. Acts, Sec. 170.....	186-187
reduction of, on account of alienations. Acts, Sec. 156.....	178
revision and correction of assessments. Acts, Sec. 157.....	178
shares of stock. Acts, Sec. §155a.....	176
shares of stock; collection of. Acts, Sec. §155a.....	177
ASSESSORS,	
<i>See "Appeal Tax Court,"</i> <i>"Assessments," "Assess-</i> <i>ment of Taxes" and</i> <i>"Taxes."</i> Ords., Art. 38, Secs. 1, 2, 7, 14, 15, 16.....	1154, 1155, 1160.....1161
appointment of by Appeal Tax Court. Acts, Sec. 147.....	171
compensation of. Acts, Sec. 149.....	172
duties, powers. Acts, Sec. 148.....	171
penalty for neglect of duty or corrupt conduct. Acts, Sec. 164B.....	182
ASSIGNMENTS,	
damages assessed by B. D.  Commission. App. A, Sec. 25.....	1254-1255

ASSISTANT.	1308	ATTACHMENT.	Page
ASSIGNMENTS—(Cont'd).		ASSISTANT LIBRARIAN,	
Coroners,		<i>See</i> "Librarian."	
<i>See</i> "Coroners."		Ords., Art. 21, Sec. 5.....	906
Damages,		ASSISTANT MARKET MAS-	
Burnt District Assessments.		TERS AND CLERKS,	
App. A, Sec. 25.....	1254-1255	<i>See</i> "Comptroller" and	
opening of streets; assess-		"Markets."	
ments.		salaries and special duties.	
Acts, Sec. 174	190	Ords., Art. 23, Sec. 3.918-919	
sewer assessments.		ASSISTANT MEDICAL	
Ords., Art. 33, Sec. 5.....	1062	EXAMINER,	
Decrees,		<i>See</i> "Health."	
<i>See</i> "Mortgages."		Ords., Art. 14, Sec. 3	797
Judges,		ASSISTANT SECRETARY	
Note	276	POLICE BOARD,	
Property,		<i>See</i> "Special Police Fund."	
<i>See</i> "Mayor."		ASSISTANT STENOGR-	
Market License,		PHERS,	
<i>See</i> "Markets" sub-title "Li-		appointment and compensa-	
censes and Rents."		tion.	
Ords., Art. 23, Sec. 17..	924	Acts, Sec. 382.....	292
ASSISTANT CITY SOLICI-		ASSISTANT SUPERINTEND-	
TORS,		ENT OF LAMPS	
<i>See</i> "City Solicitor."		AND LIGHTING,	
Acts, Sec. 62.....	133-134	<i>See</i> "Lamps and Lighting"	
examiner of titles; assistant		sub-title "Assistant Super-	
to act as; duties.		intendent of."	
Ords., Art. 5, Secs.1-3 695,696		Secs. 24-30	901-903
ASSISTANT COUNSEL FOR		ASSISTANT SUPERINTEND-	
STATE,		ENTS OF PUBLIC IN-	
<i>See</i> "Courts."		STRUCTION,	
appointment of.		<i>See</i> "Superintendent of Pub-	
Acts, Sec. 350.....	281	lic Instruction" and	
levy to pay compensation of.		"School Commissioners."	
Acts, Sec. 350.....	281	ASSISTANTS, CLERKS, DEP-	
ASSISTANT HEALTH COM-		UTIES AND SUB-	
MISSIONER,		ORDINATES,	
<i>See</i> "Health."		appointment and removal of.	
Ords., Art. 14, Sec. 4.....	797	Acts, Sec. 28.....	107
ASSISTANT HARBOR MAS-		ASYLUMS FOR INSANE,	
TERS,		<i>See</i> "Hospitals" sub-title "In-	
<i>See</i> "Comptroller" and "Har-		sane Asylums."	
bor, Docks and Wharves."		ATTACHMENT FOR CON-	
Ords., Art. 13, Sec. 2.772-773		TEMPT,	
		Fees, (<i>See</i> "Sheriff's Fees.")	

	Page
ATTORNEY GENERAL,	
railroads, hours of labor, penalty for exceeding. Acts, Sec. 794.....	491
ATTORNEYS,	
salary contingent upon re- covery of money in claims against United States. Art. 1, Sec. 5.....	573
ATTORNEYS OF PRISONERS,	
may visit prisoners in jail. Acts, Sec. 137	167
AUCTION SALES,	
<i>See "Auctioneers."</i>	
AUCTIONEERS,	
affidavit where no sales made. Acts, Sec. 269.....	243
appointments from another state; effect of. Acts, Sec. 256.....	237
appointment of by the Gov- ernor. Acts, Sec. 240.....	233
bond of—liable for malfeas- ance. Sec. 271.....	244
—when sales under \$150,000. Sec. 241.....	233
—when sales over \$150,000. Sec. 243.....	234
—suits on. Acts, Sec. 268.....	243
books, maps, prints, etc.; bond of auctioneer. Acts, Sec. 244.....	234
—license for sale of. Acts, Sec. 244	234
case on auction sales cited. note.....	239
certificates accompanying re- turns of. Acts, Sec. 267.....	242
commission from Governor. Acts, Sec. 240.....	233
effect of failure to take out license. Acts, Sec. 253.....	237

	Page
AUCTIONEERS—(Cont'd)	
Commissions of Auction- eers. —books, maps, prints, etc. Acts, Sec. 260.....	238
—exceptions as to sale of books, furniture, etc. Sec. 263.....	239
—excessive charges, penalty for. Sec. 263.....	239
—sales in excess of \$150,000. Sec. 262.....	239
—sales not in excess of \$150,000. Sec. 261.....	239
Comptroller to report duties to State Comptroller. Acts, Sec. 276.....	246
death of licensee. Acts, Sec. 247.....	235
disqualification of auctioneer. Acts, Sec. 270.....	243
Duties on Auction Sales,	
calculation of duties. Acts, Sec. 235.....	232
channel and harbor; applica- tion of duties up to \$20,000 to deepening of. Acts, Sec. 274.....	245
disbursement of by city. Acts, Sec. 275.....	245
excess above \$20,000 pay- able to State Treasurer. Acts, Sec. 276.....	245
lien of, on lands, tenements, etc. Acts, Sec. 237.....	232
payment of. Acts, Sec. 235.....	232
private sales; no duties on. Acts, Sec. 236.....	232
proceeds of auction duties; how applied. Acts, Sec. 274	245
purchaser to pay. Acts, Sec. 238.....	232
report of, to Comptroller. Acts, Sec. 266.....	241

AUCTIONEERS—(Cont'd)	Page
Horses and Carriages,	
license for sale of.	
Acts, Sec. 245.....	234-235
Mayor to designate places for sale of.	
Acts, Sec. 258.....	238
registry of horses to be kept.	
Acts, Sec. 259.....	238
—deposit of same with clerk of Court of Common Pleas.	
Acts, Sec. 259.....	238
—regulations by Mayor relating to.	
Acts, Sec. 258.....	238
Licenses,	
failure to take out, effect of.	
Acts, Sec. 253.....	237
issue of by State Treasurer.	
Acts, Sec. 249	235
leather, iron and tobacco; manufacturers not to have license for sale of.	
Acts, Sec. 278.....	236
may be issued <i>nunc pro tunc</i> .	
Acts, Sec. 246.....	235
one place of sale only; exceptions.	
Acts, Sec. 264.....	240
persons authorized to sell under.	
Acts, Sec. 264.....	245
privileges of licensee.	
Acts, Sec. 242.....	233
sale of leather, iron and tobacco.	
Acts, Sec. 278.....	246
when sales under \$150,000; fee.	
Acts, Sec. 241.....	233
when sales over \$150,000.	
Acts, Sec. 243	234
Oath,	
false swearing by auctioneer; penalty.	
Acts, Sec. 273	245
partners to be designated in writing; penalty.	
Acts, Sec. 257	237

AUCTIONEERS—(Cont'd)	Page
Penalties,	
against auctioneer.	
Acts, Sec. 242	234
failure to make returns.	
Acts, Sec. 268.....	242
—defenses of auctioneer.	
Acts, Sec. 268	242
—suits on bonds of.	
Acts, Sec. 268	242
false swearing.	
Acts, Sec. 372	245
malfeasance of, in office; penalty.	
Acts, Sec. 271	244
sales—unauthorized.	
Acts, Sec. 252.....	236-237
—without appointment.	
Acts, Sec. 250	236
—without license.	
Acts, Sec. 246	235
—without recognizance.	
Acts, Sec. 251	236
State's Attorney to prosecute for.	
Acts, Sec. 272	244
violation of privileges of license; penalty.	
Acts, Sec. 265.....	240
Recognizances,	
clerk Court Common Pleas to take.	
Acts, Sec. 248	235
duplicates of, to be delivered to State Treasurer.	
Acts, Sec. 248	235
new security; when to be given.	
Acts, Sec. 255	237
renewable annually.	
Acts, Sec. 254.....	237
report to Comptroller by, information to be furnished.	
Acts, Sec. 266	240

AUCTIONEERS—(Cont'd).

Page

report of duties to State Comptroller by City Comptroller.	
Acts, Sec. 275	245
returns quarterly to Comptroller; penalty. Returns also to City Comptroller.	
Acts, Sec. 266.....	240-241
to be sworn and certified.	
Acts, Sec. 267.....	241

Sales,

affidavit where none made.	
Acts, Sec. 269.....	243
bond; when sales are in excess of \$150,000.	
Acts, Sec. 243.....	234
—when sales not in excess of \$150,000.	
Acts, Sec. 241.....	233
fraudulent and void sales.	
Acts, Sec. 239	233
leather, iron and tobacco; no license required by manufacturers selling.	
Acts, Sec. 278.....	246
one place of sale only, exceptions.	
Acts, Sec. 264	240
without license.	
Acts, Sec. 246	235
—penalty.	
Acts, Sec. 250	236
treasurer to prosecute for penalties for malfeasance in office by.	
Acts, Sec. 272	244
wharves of city, proviso when city makes certain charges.	
Acts, Sec. 277.....	236

AUCTIONS,*See "Auctioneers."*

Acts, Secs. 235-278.....232-246

Chesapeake Bay, Patapsco river and Harbor Fund. City Register's report to State Comptroller.	
Ords., Art. 2, Sec. 1.....	589

AUCTIONS—(Cont'd).

penalty for unauthorized auction sales on streets.	
Ords., Art. 2, Sec. 2.....	589
permits for—on streets may be issued by Mayor.	
Ords., Art. 2, Sec. 2.....	589
sales of goods, wares and merchandise on streets at public auction, prohibited; penalty.	
Ords., Art. 2, Sec. 2	589

Auctions in Markets,

furniture sales etc., prohibited; penalty.	
Ords., Art. 23, Sec. 41....	931

AUDIT' CLERK,

appointment of by Comptroller.	
Acts, Sec. 34.....	111

AUTOMOBILES,

speed, etc., in parks and squares.	
Acts, Sec. 93.....	149
—gasoline tanks of, filling and emptying.	
Ords., Art. 11, Sec. 75....	762
—storage stations—gasoline, storage at, regulations, penalty.	
Ords., Art. 11, Sec. 75....	761

AWARDS,*See "Board of Awards" and "Bids and Awards."***AWNINGS,**

<i>See "Buildings;" "Permits" and "Sidewalks."</i>	
—flaps, figures etc.	
Ords., Art. 3, Sec. 134....	651

BACON, CHEESE, SAUSAGE AND CURED MEATS,*See "Markets."*

license for sale of.	
Ords., Art. 41, Sec. 16...1200	
license for sale of, penalty.	
Ords., Art. 41, Sec. 16	1200-1201

BADGES,

Page

See "Health."

Ords., Art. 14, Secs. 6, 7, 8, 798

hucksters to display license badge.

Ords., Art. 41, Sec. 52 1216

keepers of weights, etc., to wear.

Ords., Art. 17, Sec. 19..... 882

newspaper representatives.

Ords., Art. 25, Secs. 63,
66 978-979

street venders to display.

Ords., Art. 41, Secs. 52,
53 1216-1217**BAIL,***See "Clerk of Courts;" "Justices of the Peace" and
"Thieves and Pickpockets."*attachment for traverser or
prisoner on forfeiture of
bail.

Acts, Sec. 347..... 280

bonding guarantee and trust
companies as recognizor.

Acts, Sec. §278g..... 248

clerk of Criminal Court may
take, when authorized by
court.

Acts, Sec. §278a..... 246

court to fix amount of.

Acts, Sec. §278a..... 246

criminal offences committed in
counties.

Acts, Sec. 444..... 307

defendant, presence of or
joinder in recognizance not
required.

Acts, Sec. §278a..... 246

defendants' own recogniz-
ance.

Acts, Sec. §278c..... 247

enforcement of forfeitures.

Acts, Sec. 348..... 280

forfeit for non-appearance of
defendant.

Acts, Sec. §278k 249

BAIL—(Cont'd).

Page

forfeiture of.

Acts, Sec. 347..... 280

—bail before police justice,
effect of.

Acts, Sec. §278k..... 249

—police justice to note on
recognizance.

Acts, Sec. §278k..... 249

—record of.

Acts, Sec. §278-1..... 248

judge or clerk to sign recog-
nizance.

Acts, Sec. §278d..... 247

oath of recognizor.

Acts, Sec. §278i..... 249

offences not bailable, murder,
manslaughter, etc.

Acts, Sec. §278g..... 248

police justices, jurisdiction
in.

Acts, Sec. §278h..... 248

property qualifications, recog-
nizor without.

Acts, Sec. §278c..... 247

recognizance—before police
justice or in habeas cor-
pus.

Acts, Sec. §278e..... 248

—form of.

Acts, Sec. §278d..... 247

—record of.

Acts, Sec. §278f..... 248

—to become record of Criminal
Court.

Acts, Sec. §278j..... 249

—when forfeited becomes
a judgment.

Acts, Sec. §278e..... 248

recognizor, lien on property
of.

Acts, Sec. §278e..... 247

—to give particulars of prop-
erty, oath.

Acts, Sec. §278d..... 247

—who may be.

Acts, Sec. §278g..... 248

—oath to application for bail.

Acts, Sec. §278i..... 249

—record of, duty of clerk
of Criminal Court.

Acts, Sec. §278f..... 248

surety companies as recogniz-
ors.

Acts, Sec. §278g..... 248

BAILIFFS AND CRIERS, Page

See "*City Collector*" and
"*Orphans' Court.*"

bailiffs in City Collector's
office, compensation of.
Ords., Art. 38, Sec. 24....1165
—powers and duties of.
Ords., Art. 38, Sec. 16,...1161

clerks of courts to certify
salaries of.
Acts, Sec. 372..... 288

salaries, amount of and pay-
ment.
Acts, Secs. 372-374..... 288

**BAKERIES AND CONFEC-
TIONERIES,**

See "*Health*" and "*Inspection
Weights and Measures.*"
Ords., Art. 17, Secs. 35-
38.....886-888

inspection of.
Acts, Sec. 6..... 56

**BAKERIES, INSPECTORS
AND ANALYSTS OF,**

appointment of.
Acts, Sec. 73..... 139

**BALCONIES, BATHROOMS
AND BAY WINDOWS,**

See "*Buildings.*"
Ords., Art. 3, Secs. 13-22
..... 604-607

BALL OR BANDY PLAYING,

penalty for playing in streets.
Ords., Art. 25, Sec. 87... 987

BALLOTS,

See "*Primary Elections.*"
App. C, Sec. 1..... 1170-1273

**BALL PLAYING ON SAB-
BATH,**

prohibition of, penalty.
Ords., Art. 31, Sec. 3.....1041

BALLS, ETC.,

license for public balls, pen-
alty.
Ords., Art. 41, Secs. 11-12...1199

**BALTIMORE AND EASTERN
SHORE RAILROAD COM-
PANY,** Page

bonds of, indorsement of.
Acts, Sec. 826 518

**BALTIMORE CITY COL-
LEGE,**

fee for tuition of non-resident
pupils in.
Ords., Art. 32, Sec. 34...1055

BALTIMORE CITY COURT,

See "*Courts*" sub-title "*Law
Courts of Baltimore City.*"

Acts, Secs. 300, 322, 357, 362,
370, 372, 374, 379, 380, 382,
387, 388, 389.
Pages, 261, 273, 282, 284, 287, 288
290, 292, 293, 294.

appeals from decisions of
Commissioners for Open-
ing Streets.
Acts, Sec. 179..... 196

notes of decisions of, relating
to Practice Act for Baltimore
city.
note..... 267

**BALTIMORE SANITARY
CONTRACTING COM-
PANY,**

contract with, for collection
and removal of garbage,
etc.
Ords., Art. 36, Sec. 5.....1142

BALTIMORE STREET,

flushing with water when wet
and muddy.
Ords., Art. 36, Sec. 7.....1143

sheep not to be driven along.
Ords., Art. 25, Sec. 12..... 964

vehicles, stands for prohib-
ited.
Ords., Art. 4, Sec. 32..... 691

BANDS,

Sabbath, parades of, unlawful
on, penalty, proviso.
Ords., Art. 31, Sec. 4.....1041

	Page		Page
BANDS, DRUM CORPS, ETC.,		BARRELS, BOXES, ETC., IN	
parades of, after six p. m.		STREETS,	
permit for, collection of		time to remain; to occupy but	
money by, unlawful.		one half of footway.	
Ords., Art. 25, Sec. 110..	995	Ords., Art. 25, Sec. 68....	979
BANK DEPOSITS OF CITY,		BASEMENT, CELLARS, ETC.,	
interest on, duty of City Reg-		<i>See</i> "Buildings."	
ister.		construction, ventilation.	
Ords., Art. 6, Sec. 23.	705-706	Ords., Art. 3, Secs. 20-22	607
BANKS, STATE AND NAT-		BASIN OF CITY OF BAL-	
IONAL,		TIMORE,	
<i>See</i> "Incorporated Institu-		extensions to.	
tions" and "Shares of		App. A.....	1237
Stock."	176	—filling up authorized.	
BANK STOCK, BONDS,		App. A, Sec. 27.....	1255-1256
ETC.,		BASS, STRIPED,	
when exempt from taxation.		<i>See</i> "Fish."	
Acts, Sec. 6.....	84	BATH ROOMS,	
BAR LIBRARY,		<i>See</i> "Buildings."	
ordinances and resolutions,		construction requirements.	
two copies to be furnished		Ords., Art. 3, Sec. 14.....	605
to.		BATHS,	
Ords., Art. 1, Sec. 26.....	579	<i>See</i> "Public Baths."	
BAR MAIDS,		Ords., Art. 27, Secs. 1-5..	1002
employment of women as,		.....	1003
forbidden.		BATTERYMAN,	
Acts, Sec. 900.....	562	fire alarm telegraph, appoint-	
—punishable by forfeiture of		ment, duties, bond.	
license and fine or impris-		Ords., Art. 11, Secs. 27-30..	746
onment.		.....	747
Acts, Sec. 901	563	BATTLE MONUMENT,	
BARRE STREET,		defacing or injuring, penalty,	
vehicles, stands for prohibit-		police regulations.	
ed.		Ords., Art. 25, Sec. 61....	977
Ords., Art. 4, Sec. 32.....	691	impression of representation	
BARRELS,		of, to be seal of city.	
dimensions of, for measure-		Ords., Art. 1, Sec. 50.....	588
ment of peas and beans.		BATTLE MONUMENT,	
Acts, Sec. 532.....	336	vehicles, stands for prohibit-	
Inspector of Weights and		ed at.	
Measures to inspect, pay-		Ords., Art. 4, Sec. 39.....	693
ment of penalties.		BAY VIEW ASYLUM,	
Acts, Sec. 534.....	337	convicts, lunatic and insane	
peas and beans, dimensions		in.	
of barrel to be stamped		Acts. Sec. §120a.....	163
thereon, penalty.			
Acts, Sec. 533.....	337		

BAY VIEW ASYLUM—(Cont'd).

curable indigent patients at,
transfer of, to Maryland
Hospital.

Ords., Art. 16, Sec. 6..... 870

monthly examination of
patients.

Ords., Art. 16, Sec. 6..... 870

BEANS,

See "*Peas and Beans.*"

**BED AND TRACKS ON
STREET RAILWAYS,**

repairs by city, cost, collec-
tion of cost, penalty.

Ords., Art. 30, Sec. 26.....1024
.....1025

**BEDS OF TRACKS AND
SWITCHES,**

See "*Railroads and Rail-
ways.*"

Ords., Art. 30, Sec. 11.....1019

BEDDING OR CLOTHING,

disinfection of, when re-
quired.

Ords., Art. 14, Sec. 15..... 801

BEGGARS,

almshouse, list of those com-
mitted to.

Acts, Sec. 114..... 161

BELLS,

required on sleighs and cars.

Ords., Art. 4, Sec. 10..... 685

**BENEFICIARIES OF SPEC-
IAL POLICE FUND,**

See "*Special Police Fund.*"

BENEFIT ASSESSMENTS,

lien of in opening sewers, etc.

Ords., Art. 33, Sec. 14.....1070

BENEFITS,

See "*City Collector;*" "*City
Register;*" "*Condemnation
of Property;*" "*Grading,
Paving, etc. Streets;*"
"*Opening, Closing, etc.
Streets*" and "*Sewers.*"

BENEFITS—(Cont'd).

by Burnt District Commis-
sion.

App. A, Secs. 8-28.....1242-1257

—due to changes and estab-
lishments of grades in
Burnt District.

App. A, Sec. 35.....1262-1263

—for paving—when payable.

Ords., Art. 35, Sec. 71.....1117

Burnt District assessments.

App. A, Secs. 8, 10, 11-
20, 25, 26.....1242-1245

—accounting of by City Collec-
tor.

App. A, Sec. 14.....1251

—collection of.

App. A, Sec. 13.....1250

—sale of property for.

App. A, Sec. 14.....1250-1251

—sales of property for,

procedure in such sales.

App. A, Sec. 15.....1251

—to offset damages.

App. A, Sec. 26.....1255

—when payable.

App. A, Sec. 13.....1250

constructing and opening
sewers.

Acts, Sec. 818..... 504

damages to be offset by,

App. A, Sec. 26.....1255

discount for early payment of,
Burnt District assessments.

App. A, Sec. 37.....1263

lien of.

App. A, Sec. 13.....1250

not to be assessed for exten-
sions to basin or harbor.

App. A, Sec. 8.....1244

opening, closing, etc., streets,
assessment for.

Acts, Sec. 175..... 191

—lien until paid.

Acts, Sec. 185..... 200

—North Avenue.

Acts, Sec. 838..... 527-528

—sales for non-payment of.

Acts, Sec. 182-184..... 199

payment of by third parties.

App. A, Sec. 18..... 1252

**BENEFITS IN SEWER CON-
DEMNATIONS,**

assignment of damages when
both benefits and damages
assessed.

Ords., Art. 33, Sec. 5..... 1062

**BENEFITS IN OPENING, ETC.
SEWERS,**

award, basis of.

Ords., Art. 33, Sec. 6.....1063

lien may be assigned to
volunteer paying same.

Ords., Art. 33, Sec. 151071

sale of property for non-
payment of.

Ords., Art. 33, Sec. 11.....1069

BERMUDA ASPHALT,

use of in paving author-
ized.

Ords., Art. 35, Sec. 101.....1130

**BICYCLES AND TRICY-
CLES,**

See "Vehicles."

lamps required, penalty.

Ords., Art. 25, Sec. 88..... 988

BIDDERS,

See "Bids and Awards."

Acts, Sec. 15..... 99

BIDS AND AWARDS,

*See "Board of Estimates" and
"Contracts."*

cases cited. 99

city engineer to preserve.

Ords., Art. 35, Sec. 1.....1091

decisions relating to.

Acts, Sec. 15, note..... 99

regulations governing same.

Acts, Sec. 15..... 99

BIDS FOR STATIONERY,

See "City Librarian."

BILL POSTING,

Broadway Market, penalty.

Ords., Art. 23, Sec. 66..... 939

**BILLIARD & BAGATELLE
TABLES,**

*See "Licenses" sub-title "Bill-
iards."*

games on, minors not to play,
penalty.

Ords., Art. 25, Secs. 1-2.. 961

license for, penalty.

Ords., Art. 41, Sec. 3.....1196

**BILLS ACCOUNTS AND
VOUCHERS,**

See "Police Commissioners."

BILLS AGAINST CITY,

memoranda of, to be pre-
served.

Ords., Art. 6, Sec. 33..... 710
and note.....708-709

orders for payment to be in
writing and signed.

Ords., Art. 6, Sec. 22..... 710
and note.....708-709

BILLS AND POSTERS,

defacing or posting over,
prohibited, penalty, proviso.

Ords., Art. 25, Sec. 105-6.. 993

BILLS FOR WATER,

*See "Bills;" "Collector of
Water Rents and Licenses"
and "Water Rents."*

abatements on.

Ords., Art. 40, Sec. 8.....1180

collections quarterly.

Ords., Art. 41, Sec. 69.....1222

discounts on.

Ords., Art. 40, Sec. 5.....1179

preparation of.

Ords., Art. 40, Sec. 4.....1178

rates and discounts printed
on back of.

Ords., Art. 40, Sec. 6.....1179

shutting off water, when in
arrears.

Ords., Art. 40, Sec. 9.....1180

water rents and charges.

Ords., Art. 40, Secs. 4-6,
91178-1180

	Page
BILLS FOR WORK AND MATERIALS,	
when to be paid.	
Ords., Art. 6, Sec. 5.....	700
BILLS OF EXCHANGE AND PROMISSORY NOTES,	
acceptance.	
Acts, Sec. §279b.....	250
banking hours on Saturday.	
Acts, Sec. §279b.....	250
bills for collection.	
Acts, Sec. §279b.....	251
business day.	
Acts, Sec. §279b.....	251
demand notes.	
Acts, Sec. §279b.....	251
dishonor.	
Acts, Sec. §279b.....	250
half holiday Saturday.	
Acts, Sec. §279b.....	250
holiday, legal.	
Acts, Sec. §279b.....	250
interest, computation of.	
Acts, Sec. §279c.....	251
note, case cited.	250
notice of dishonor.	
Acts, Sec. §279b.....	250
presentation.	
Acts, Sec. §279b.....	250
protesting.	
Acts, Sec. §279b.....	250
Saturday half holiday.	
Acts, Sec. §279b.....	250
Sunday, notes due on.	
Acts, Sec. §279a.....	250
BILLS OF EXCEPTION,	
decisions relating to.	
note.....	270
when to be signed.	
Acts, Sec. 316.....	270
BIRDS,	
injury to insectivorous, injuring boxes of, penalty.	
Ords., Art. 25, Sec. 5.....	962
BIRTHS,	
physicians to report.	
Ords., Art. 14, Sec. 188..	862
BIRTHS AND DEATHS,	
<i>See "Health."</i>	
Ords., Art. 14, Sec. 179..	858

	Page
BLASPHEMOUS AND INDECENT PLAYS,	
performance of unlawful, penalty.	
Ords., Art. 25, Sec. 101..	992
BLASTING IN CITY,	
Mayor's written permit required.	
Ords., Art. 11, Sec. 72....	760
BLIND,	
<i>See "Deaf, Dumb and Blind."</i>	
instruction of, age limit.	
Acts, Sec. 397.....	296
—appropriation for.	
Acts, Sec. 397.....	296
—cost, per capita.	
Acts, Sec. 399.....	297
—County Commissioners to recommend.	
Acts, Sec. 397.....	296
—Orphans Court, judges of, to recommend.	
Acts, Sec. 397.....	296
—recommendation for instruction, what to state.	
Acts, Sec. 398.....	296
—terms of instruction.	
Acts, Sec. 399.....	297
BLOCKS IN ANNEX,	
<i>See "Topographical Survey."</i>	
BLOWING WHISTLES,	
hours when not to be blown, penalty, exceptions.	
Ords. Art. 25, Sec. 6.....	963
BOARD of—	
Awards.	
bids to be opened by.	
Acts, Sec. 15.....	99
checks of unsuccessful bidders to be returned by.	
Acts, Sec. 15.....	99
composition of.	
Acts, Sec. 15.....	99
contracts for removal of garbage and refuse.	
Ords., Art. 36, Sec. 4,..	1041-2
general powers of.	
Acts, Sec. 15.....	99

	Page
BOARD of—(Cont'd).	
Commissioners For Opening Streets,	
See " <i>Commissioners for Opening Streets.</i> "	
Estimates,	
See " <i>Special Police Fund.</i> "	
advertisement of grants of franchises.	
Acts, Sec. 10	97
alterations and repairs outside of building line; approval of by.	
Ords., Art. 3, Sec. 11.....	603
buildings, bath rooms, etc., beyond building line, approval of.	
Ords., Art. 3, Sec. 19.....	606
bow windows in stores, approval of.	
Ords., Art. 3, Sec. 17.....	696
cases cited.....	117
City Council not to increase ordinance of estimates.	
Acts, Sec. 36.....	115
contingent fund.	
Acts, Sec. 38.....	119
departmental estimates.	
Acts, Sec. 36.....	113
Department of Legislative Reference, expenses.	
Acts, Sec. 208C.....	211
estimates for annual appropriations.	
Acts, Sec. 36.....	115
estimates for new improvements.	
Acts, Sec. 36.....	114
finance head of third sub-department of.	
Acts, Sec. 36.....	113
finance; to be Officials of Department of.	
Acts, Sec. 32.....	110
franchises; duties of Board in granting.	
Acts, Sec. 37.....	118
—grants of.	
Acts, Sec. 37.....	117
meetings of.	
Acts, Sec. 36.....	113

	Page
BOARD of—(Cont'd).	
minor privileges in streets, application for.	
Acts, Sec. 37.....	118
officials composing Board.	
Acts, Sec. 36.....	113
opinion on public improvements costing over \$2,000 to be given to City Council.	
Acts, Sec. 85.....	144
park tax—street railways in annex; assent to modification of tax payable by such railways.	
Acts, Sec. §800a	494-495
paving commission, annual appropriation.	
Acts, Sec. §841p.....	542
powers of.	
Acts, Sec. 36.....	113
powers relating to franchises.	
Acts, Sec. 37.....	128
president of.	
Acts, Sec. 36.....	113
private claims, to be approved by.	
Acts, Sec. 39.....	120
report to City Council of taxable basis.	
Acts, Sec. 40.....	120
reports of Burnt District Commission.	
App. A, Sec. 4.....	1238
salaries, increase or decrease of, by Board.	
Acts, Sec. 36A.....	117
street railway franchises in annex; duration of grants; when to be perpetual.	
Acts, Sec. §800a.....	495
surplus of revenue over estimates, disposition of.	
Acts, Sec. 36.....	116
vaults and areas, to approve construction of.	
Ords., Art. 3, Sec. 154....	659
Examiners For Horseshoers,	
See " <i>Horseshoeing.</i> "	

BOARD of—(Cont'd).**Examining Engineers,***See "Examining Engineers."***Finance,**

powers and duties of.

Acts, Sec. 32..... 110

Fire Commissioners,*See "Fire Department."*

Acts, Sec. 68136-137

Ords., Art. 11, Sec. 1-46, 735-752

Health,*See "Commissioner of Health" and "Health."*homes for care of infants,
investigation of.

Acts, Sec. §493h..... 323

—license for.

Acts, Sec. §493h..... 323

—midwives, license for.

Acts, Sec. §493f..... 323

Park Commissioners,*See "Parks and Squares."*Art Commission, to appoint
member of.

Acts, Sec. 201..... 207

Registry,affiliation of voters to be
recorded.

App. C, Sec. 2.....1275

Police Commissioners,*See "Police Commissioners."*rate of fare for hackney
carriages to be fixed by.

Acts, Sec. 281..... 253

Police Examiners,*See "Police Examiners."***Public Safety,**

composition of Board.

Acts, Sec. 68..... 137

duties and powers of Board.

Acts, Sec. 68..... 137

BOARD of—(Cont'd).**Public Improvements,**president of, to be on Board
of Estimates.

Acts, Sec. 36..... 113

School Commissioners,*See "School Commissioners"*
*and "Schools."*authority to collect books
from former pupils.

Ords., Art. 32, Sec. 8..1045-6

—erect temporary school
buildings.

Ords., Art. 32, Secs. 4-6, 1044-5

testimonials to graduates of
high schools, etc.

Ords., Art. 32, Secs. 12, 13..1047

Supervisors of Elections,Wards, (*See "Legislative Dis-*
tricts" and "Wards.")**Trade,**

arbitration, organize court of.

Acts, Sec. 223..... 221

BOARDS AND COMMIS-
SIONS,

minority membership on.

Acts, Sec. 30..... 107

records of proceedings of.

Acts, Sec. 31..... 108

BOATS, SCOWS AND VE-
HICLES,*See "Ferries;" "Licenses;"*
"Vehicles, Boats and
Scows" and "Water Rents."

licenses for.

Ords., Art. 41, Secs. 74-

84.....1223-1227

BOILER INSPECTORS,*See "Steam Boilers."***BOILERS,***See "Steam Boilers."*

water charges for.

Ords., Art. 41, Sec. 56....1218

BONDING, GUARANTEE OR
TRUST COMPANIES,recognizors in bail, (*See*
"Bail.")

BONDS,

- See "*Clerks of Courts*,"
 "*Contracts with City*,"
 "*Hackney Carriages and Coaches*," "*Mayor*" and
 "*Register of Wills*."
- appeal bonds, injunction
 bonds, etc., to be executed
 by Mayor.
 Ords., Art. 1, Sec. 1..... 571
- Appeal Tax Court; members
 of.
 Ords., Art. 38, Sec. 1.....1154
- approval of.
 Acts, Sec. 20A..... 101
- assessors of taxes.
 Ords., Art. 38, Sec. 1.....1155
- Assistant Librarian.
 Ords., Art. 21, Sec. 5..... 906
- Assistant Market Masters
 and Clerks, penalties of
 bond required from those
 of the several markets.
 Ords., Art. 23, Sec. 6..... 921
- auctioneers, (*See "Auction-
 eers."*)
- bakeries and confectioneries,
 inspector of.
 Ords., Art. 17, Sec. 37,.. 887
- certificates of stock, renewal
 of when lost.
 Ords., Art. 34, Sec. 7..1078-9
- C. & P. Telephone Co.—in
 connection with subway
 system.
 Ords., Art. 9, Sec. 23..... 727
- Circuit Courts, bonds of clerks
 of.
 Acts, Sec. 369..... 286
- City Collector.
 Ords., Art. 38, Sec. 22.....1163
- City Engineer and Assistant
 City Engineers.
 Ords., Art. 35, Sec. 3.....1092
- City Court, clerk of.
 Acts, Sec. 357..... 283
- officials, employes, etc. of city—
 when required to bond;
 proviso.
 Ords., Art. 1, Sec. 39..... 583

BONDS—(Cont'd).

- when not required to bond.
 Ords., Art. 1, Sec. 38..... 583
- City Register's bond; Mayor
 to have custody of.
 Ords., Art. 6, Sec. 19..... 704
- City Register, successor to
 give bond.
 Ords., Art. 6, Sec. 22..... 705
- City Solicitor to approve.
 Acts, Sec. 63..... 135
- clerks of courts—liable for
 salaries of deputies. note. 283
- clerks of Law Courts.
 Acts, Secs. 357-361.....282-284
- clerks of markets; require-
 ments of bonds of; approval,
 penalty and conditions of.
 Ords., Art. 23, Sec. 5, 920-921
- Collector of State Taxes.
 Acts, Sec. 53..... 130
- Collector of Water Rents and
 Licenses, assistants and
 clerks of.
 Ords., Art. 41, Sec. 2.....1196
- Comptroller—bond of.
 Ords., Art. 6, Sec. 1..... 698
- subordinates' bonds.
 Ords., Art. 6, Sec. 17..... 703
- to examine and certify
 sufficiency of.
 Ords., Art. 6, Sec. 4..... 700
- Coroners'.
 Acts, Sec. 294..... 158
- Court Common Pleas; bond
 of clerk.
 Acts, Sec. 357..... 283
- Criminal Court Clerk.
 Acts, Secs. 367, 368..... 286
- Deputy Comptroller.
 Ords., Art. 6, Sec. 15, 702-703
- Harbor Engineer—appointees;
 bonds of.
 Ords., Art. 13, Sec. 1..... 772
- bond of.
 Ords., Art. 13, Sec. 1..... 772
- immigrants, protection of city
 against paupers by owner
 of vessel.
 Acts, Sec. 519..... 333

	Page
BONDS—(Cont'd).	
inspectors of hay and straw. Acts, Sec. 553.....	344
inspector of plumbing, bond of. Ords., Art. 14, Sec. 129..	836
Justices of the Peace; condi- tions and penalty. Acts, Sec. 624.....	376
keepers of standards of weights and measures. Ords., Art. 17, Sec. 4.....	877
Lamps and Lighting, bond of Superintendent of. Ords., Art. 20, Sec. 1.....	893
—of Assistant Superintend- ent. Ords., Art. 20, Sec. 24..	901
live stock inspector at Canton hay scales; additional bond required of. Acts, Sec. 569.....	348
morgue; superintendent of, Ords., Art. 14, Sec. 82....	821
municipal suits; bonds in. Ords., Art. 1, Sec. 1.....	571
paving bonds to indemnify city. Ords., Art. 35, Sec. 73,	1118-1119
pawnbrokers, bond of. Ords., Art. 41, Sec. 30,	1206-1207
—suits on bonds of. Ords., Art. 41, Sec. 34.	1208-1209
physicians ("See <i>Dead Bodies.</i> ")	
Police Commissioners. Acts, Sec. 740.....	448
police; when board may require bond. Acts, Sec. 749.....	462
privy cleaners, bond of. Ords., Art. 14, Sec. 142..	840
—relating to bonds of. Ords., Art. 41, Sec. 45,	1213-1213

	Page
BONDS—(Cont'd).	
public printer, bond of. Acts, Sec. 208.....	210
purchaser of property taken in opening streets, etc., to give. Acts, Sec. 176.....	
Quarantine Hospital Physi- cian; bond of. Ords., Art. 14, Sec. 161..	847
Register of Wills, to bond in sum of \$30,000. Acts, Sec. 354.....	281
—approval of bond. Acts, Sec. 355.....	282
steam boiler inspectors. Acts, Sec. 572.....	349
street cleaners, paymaster of. Ords., Art. 36, Sec. 16....	1146
Street Cleaning, Commission- er of. Ords., Art. 36, Sec. 1.....	1140
subordinates of Water Board. Ords., Art. 40, Sec. 3.....	1178
suits—municipal. Ords., Art. 1, Sec. 1.....	571
suits on; cases cited, note.....	583
Superior Court; clerk of. Acts, Sec. 357.....	282-283
Superintendent of Public Buildings. Ords., Art. 28, Sec. 1.....	1004
Surveyor; conditions of. Ords., Art. 36, Sec. 1.....	1148
treasurer of Police Commis- sioners. Acts, Sec. 752.....	464
trustee under decree for sale of mortgaged premises. Acts, Sec. 720.....	434
BONDS, STOCKS, ETC.,	
exemption from taxation of. Acts, Sec. 6.....	84
issues of, chronological list of. Ords., Art. 34, Sec. 19....	1082

	Page
BONE DEALERS,	
not permitted to keep green bones over twelve hours; offensive bones prohibited.	
Ords., Art. 14, Sec. 92.....	825
BONE FACTORIES AND COPAL VARNISH,	
consent of Mayor and City Council, necessary for establishment of.	
Ords., Art. 14, Sec. 67.....	817
BONES,	
<i>See "Health".</i>	
Ords., Art. 14, Sec. 92,	825
BOOKS, MAPS AND STATIONERY,	
<i>See "Auctioneers" and "Librarian."</i>	
auctions of.	
Acts, Sec. 244.....	234
character of, for school libraries.	
Ords., Art. 32, Sec. 10.....	1046
school books, recovery of, from former pupils.	
Ords., Art 32, Sec. 8.....	1045
.....	1046
schools, free to city pupils in.	
Ords., Art. 32, Sec. 32.....	1054
BOOKS OF REGISTRY,	
<i>See "Primary Election."</i>	
App. C, Sec. 1.....	1271
BOSTON STREET,	
locomotives to be used on.	
Ords., Art. 30, Secs. 13.....	1019
BOUNDARIES,	
Burnt District, limits of,	
App. A, Sec. 30.....	1258-1259
BOUNDARY AVENUE,	
cattle, driving through, prohibited.	
Ords., Art. 25, Sec. 26.....	967
.....	968

	Page
BOWLING ALLEYS AND SALOONS,	
closing hours for; minors not to play.	
Ords., Art. 25, Secs. 3-4..	962
licenses; for penalty.	
Ords., Art. 41, Secs. 4.....	1197
licensee to receive assent of owners.	
Ords., Art. 41, Sec. 5.....	1197
BOWLY'S WHARF,	
vehicles, stands for prohibited.	
Ords., Art. 4, Sec. 31.....	692
BOXING EXHIBITIONS,	
permit required, penalty.	
Ords., Art. 25, Sec. 102....	992
BOYS' HOME,	
object to raise homeless boy's as parent would.	
Acts, Sec. 885	560
BOY'S HOME SOCIETY OF BALTIMORE CITY,	
<i>See "Houses of Refuge and Reformation."</i>	
BRANDING WEIGHTS AND MEASURES,	
dry measures, symbol, counterfeiting penalty.	
Ords., Art. 17, Sec. 11....	879
.....	880
BREAD,	
<i>See "Inspections, Weights and Measures."</i>	
bakeries, inspectors of.	
Acts, Sec. 73.....	139
inspection and sale of.	
Acts, Sec. 6.....	55
BREADTH OF WHEELS,	
power to regulate.	
Acts, Sec. 6.....	47
BRICK OR TILE MANUFACTORIES,	
permit, notice of application for, penalty.	
Ords., Art. 14, Sec. 76....	820

**BRICKS, LUMBER, ETC., IN
STREETS,**

signals required on.

Ords., Art. 35, Sec. 112..1135

BRICK-LAYING,*See "Buildings."***BRIDGES,***See "Railroads and Railways;" "Streets, Bridges and Highways;" "Streets and City Engineer."*

agreements with County Commissioners to purchase or maintain.

Acts, Sec. 6 82

city may purchase.

Acts, Sec. 6..... 82

removal of snow from.

Ords., Art. 36, Sec. 2..1140-1141

BRIDGES IN ANNEX,

county bridges in; to be completed by city.

Acts, Sec. 839.....528-529

BRIDGE TENDER,*See "Jones' Falls."*

Ords., Art. 18, Sec. 6..... 890

BROADWAY,

vehicles; stands for prohibited.

Ords., Art. 4, Sec. 32..... 591

**BROADWAY AND LOCUST
POINT FERRY COMPANY,***See "Ferries."***BROADWAY MARKET,**

provisions relating to.

Ords., Art. 23, Secs. 65-69
..... 938-940**BROADWAY WHARF,***See "Ferries."***BROKERS,**

licenses of.

Acts, Sec. 6..... 61

BROKERS, REAL ESTATE,*See "Licenses."***BRUNSWICK STREET,**

cattle, when to be driven on.

Ords., Art. 25, Sec. 29.... 968

**BUILDING MATERIALS IN
STREETS,**

police regulations, conditions of privilege, penalty.

Ords., Art. 25, Sec. 74.... 982

safety regulations for.

Ords., Art. 35, Sec. 112,
..... 1134-1135**BUILDING LAWS AND REG-
ULATIONS,**

Inspector of Buildings to enforce.

Acts, Sec. 82 142

BUILDING LINE IN ANNEX,

Annex Improvement Com- mission to fix.

Acts, Sec. §841c..... 532

BUILDING OPERATIONS,

water for, notice to Collector of Water Rents and Licenses; penalty.

Ords., Art. 40, Sec. 71..179-1180

BUILDING PERMITS,

holder to exhibit to police; penalty.

Ords., Art. 25, Sec. 7..... 963

BUILDING REGULATIONS,area in which operative,
(*See "Buildings."*)

Ords., Art. 3, Sec. 4..... 600

BUILDINGS,*See "Fire;" "Fire Department;" "Fire Regulations;" "Inspector of Buildings" and "Permits."***Appeals** from Inspector of Buildings.

—commission in appeals.

Ords., Art. 3, Sec. 2 599

—compensation of commis- sioners.

Ords., Art. 3, Sec. 2..... 599

—decision of Commission binding.

Ords., Art. 3, Sec. 2..... 599

BUILDINGS—(Cont'd).**Appeals—(Cont'd).**

- Examining Commission,
fees.
Ords., Art. 3, Sec. 2..... 599
- time limit for appeals.
Ords., Art. 3, Sec. 2..... 599
- to be in writing.
Ords., Art. 3, Sec. 2..... 599

alterations and repairs.

- Board of Estimates to ap-
prove when outside of
building line.
Ords., Art. 3, Sec. 11..... 603
- existing buildings, not to
be made to unlawfully.
Ords., Art. 3, Sec. 12..... 604
- permit from Inspector of
Buildings required.
Ords., Art. 3, Sec. 11..... 603

**Balconies, Porches, Bay Windows,
Bath Rooms,**

- applications and permits.
Ords., Art. 3, Sec. 13.... 604
- bath rooms required.
Ords., Art. 3, Sec. 14.... 605
- bath rooms, fee for permit.
Ords., Art. 3, Sec. 14.... 605
- bay windows of wood.
Ords., Art. 3, Sec. 15. 605-6
- bow windows in stores,
Board of Estimates to ap-
prove.
Ords., Art. 3, Sec. 17.... 606
- certificate of Comptroller
to payment of fees.
Ords., Art. 3, Secs. 17-19 606
- construction above first
floor.
Ords., Art. 3, Sec. 13..... 604
- construction beyond build-
ing line, application for
permit.
Ords., Art. 3, Sec. 19.... 606
- erection without, or at
variance with permit;
penalty.
Ords., Art. 3, Secs. 16-18 606
- fee for permit.
Ords., Art. 3, Sec. 13... 604
- horizontal extent of.
Ords., Art. 3, Sec. 13.... 604
- houses requiring bath
rooms.
Ords., Art. 3, Sec. 14.... 605

BUILDINGS—(Cont'd).**Balconies, etc.—(Cont'd).**

- lateral extent of.
Ords., Art. 3, Sec. 13.... 604
- metal and wood construc-
tion.
Ords., Art. 4, Secs. 13, 14
..... 605-05
- oriel windows of wood.
Ords., Art. 3, Sec. 15.... 605-6
- party line, distance from.
Ords., Art. 3, Secs. 13, 14
..... 604-05
- penalties for evasion of
provisions.
Ords., Art. 3, Secs. 16, 18
..... 606
- projecting bath rooms.
Ords., Art. 3, Sec. 14.... 606
- permits required.
Ords., Art. 3, Sec. 13.... 604
- restrictions on wooden
construction.
Ords., Art. 3, Sec. 13.... 604
- walls from which bath
rooms extend.
Ords., Art. 3, Sec. 14.... 605

- Burnt District**, not to conflict
with highway lines of.
Ords., Art. 35, Sec. 12.... 1094

Cellars, Basements, etc.,

- basements.
Ords., Art. 3, Sec. 20..... 607
- construction in damp
ground.
Ords., Art. 3, Sec. 21.... 607
- definition of "cellar."
Ords., Art. 3, Sec. 20.... 607
- dwellings on damp ground.
Ords., Art. 3, Sec. 22.... 607
- ventilation of.
Ords., Art. 3, Sec. 21.... 607

**Chimneys, Flues and Heating
Apparatus,**

- air flues, not to be used for
smoke.
Ords., Art. 3, Sec. 26, 608
- area of chimneys, etc.
Ords., Art. 3, Sec. 26. 607-8
- chimney and smoke flue
construction.
Ords., Art. 3, Sec. 27.... 608-9
- chimney supports, not to
remove.
Ords., Art. 3, Sec. 28..... 609
- double pipes for flues and
register boxes.
Ords., Art. 3, Sec. 25.... 608

BUILDINGS—(Cont'd).**Chimneys, etc.—(Cont'd).**

- firebacks, thickness of.
Ords., Art. 3, Sec. 23.....607-8
- flues, height above roof.
Ords., Art. 3, Sec. 23.....607-8
- flues, smooth and clean
on inside.
Ords., Art. 3, Sec. 24.... 608
- furnace smoke pipes.
Ords., Art. 3, Sec. 30.....609-10
- furnace tops, construction
of.
Ords., Art. 3, Sec. 32.... 610
- furnace tops, joists
over.
Ords., Art. 3, Sec. 32.... 610
- girders or joists of wood.
Ords., Art. 3, Sec. 35.... 611
- gas, etc. pipes, depth in joists.
Ords., Art. 3, Sec. 34.... 611
- hearths, arch supports.
Ords., Art. 3, Sec. 28.... 609
- hot air ducts, specifica-
tions.
Ords., Art. 3, Sec. 25.... 608
- hot air register settings.
Ords., Art. 3, Sec. 33.....610-11
- joists, gas, etc., pipes let
into.
Ords., Art. 3, Sec. 35.... 611
- joists, wooden, in division
walls.
Ords., Art. 3, Sec. 35.... 611
- parging mortar, not to use.
Ords., Art. 3, Sec. 23.....608-8
- penalty for stove pipes in
• wooden partitions.
Ords., Art. 3, Sec. 36.... 611
- plastering between wood-
work and flues.
Ords., Art. 3, Sec. 26.... 608
- plastering outside of flues.
Ords., Art. 3, Sec. 23.... 607-8
- register boxes, construc-
tion.
Ords., Art. 3, Sec. 24.... 608
- registers, specifications for.
Ords., Art. 3, Sec. 33.....610-11
- school buildings, heating
apparatus in.
Ords., Art. 3, Sec. 31.... 610
- smoke, flue and chimney
specifications.
Ords., Art. 3, Sec. 27.... 608
- smoke, flue and chimney
supports.
Ords., Art. 3, Sec. 28..... 609

BUILDINGS—(Cont'd).**Chimneys, etc.—(Cont'd).**

- smoke pipes, entering flues
and partitions.
Ords., Art. 3, Sec. 29 609
- stove pipes in wooden par-
titions.
Ords., Art. 3, Sec. 36.... 611
- timbers in division walls.
Ords., Art. 3, Sec. 35.... 611
- woodwork against flues,
protection of.
Ords., Art. 3, Sec. 26.... 608

Contracts, specifications to
provide for inspection by
Inspector of Buildings.
Ords., Art. 3, Sec. 3.....599-600

Drain pipes of, permits for.
Ords., Art. 14, Sec. 130.. 837

Electrical, installation and
wiring, (*See "Inspector of
Buildings."*)
Ords., Art. 3, Secs. 44-54
..... 604-608

Elevators,

- age of operators of.
Ords., Art. 3, Sec. 68..... 625
- appeals from orders of
Inspector of Buildings.
Ords., Art. 3, Sec. 73..... 626
- automatic, limiting use of.
Ords., Art. 3, Sec. 59.....620-21
- automatic stops for hy-
draulic machines.
Ords., Art. 3, Sec. 66.... 624
- buffer springs.
Ords., Art. 3, Sec. 60.....621
- carrying capacity.
Ords., Art. 3, Sec. 59, 620-621
- cars, specifications for.
Ords., Art. 3, Sec. 62.....622-3
- certificate to be posted in.
Ords., Art. 3, Sec. 55.... 618
- certificate to issue on
completion.
Ords., Art. 3, Sec. 55.... 618
- classification of elevators.
Ords., Art. 3, Sec. 58..... 620
- clearances.
Ords., Art. 3, Sec. 60..... 621
- combination, require-
ments for.
Ords., Art. 3, Sec. 59.....618-21

BUILDINGS—Cont'd).	Page
Elevators—(Cont'd).	
—construction, permit for. Ords., Art. 3, Sec. 55.....	618
—counterweight specifications. Ords., Art. 3, Sec. 60.....	621
—counterweights, frames for. Ords., Art. 3, Sec. 66.....	624
—dangerous materials, not to store near. Ords., Art. 3, Sec. 69.....	624
—defective, notice to owner to repair. Ords., Art. 3, Sec. 56.....	619
—defective, stoppage until repaired, penalty. Ords., Art. 3, Sec. 57.....	619-20
—doors, specifications for. Ords., Art. 3, Sec. 62.....	622-3
—drawings and models, builder to furnish. Ords., Art. 3, Sec. 71.....	625
—drums and sheaves. Ords., Art. 3, Sec. 66.....	624
—emergency repairs, notice of. Ords., Art. 3, Sec. 67.....	624
—enclosure of shafts, classification of, first class. Ords., Art. 3, Sec. 61.....	622
—enclosure of second class. Ords., Art. 3, Sec. 62.....	622-3
—examination of, tri-monthly. Ords., Art. 3, Sec. 57.....	619
—explosives near, prohibited. Ords., Art. 3, Sec. 69.....	625
—fines and penalties, proviso. Ords., Art. 3, Sec. 74.....	626
—fire-doors for hatches. Ords., Art. 3, Sec. 61.....	622
—freight elevators, specifications. Ords., Art. 3, Sec. 59.....	620-1
—guards for sidewalk elevators. Ords., Art. 3, Sec. 65.....	623-624
—hatches, fire-doors for. Ords., Art. 3, Sec. 61.....	622
—hydraulic machines, automatic stops for. Ords., Art. 3, Sec. 66.....	624
—inflammable materials near, prohibited. Ords., Art. 5, Sec. 69.....	625
—inspection by appointed inspectors. Ords., Art. 3, Sec. 57.....	619

BUILDINGS—(Cont'd).	Page
Elevators—(Cont'd).	
—inspection during construction. Ords., Art. 3, Sec. 55.....	618
—inspection of existing elevators. Ords., Art. 3, Sec. 56.....	619
—machinery, specifications for. Ords., Art. 3, Sec. 66.....	624
—miscellaneous, types of. Ords., Art. 3, Sec. 72.....	625-6
—models of, builders to furnish. Ords., Art. 3, Sec. 71.....	625
—notices in cars to be uniform. Ords., Art. 3, Sec. 70.....	624
—notice to Inspector of Buildings of emergency repairs made. Ords., Art. 3, Sec. 67.....	624
—operators, age of, proviso. Ords., Art. 3, Sec. 68.....	625
—overhead gratings. Ords., Art. 3, Sec. 64.....	623
—passenger elevators, capacity. Ords., Art. 3, Sec. 59.....	620
—penalties and fines, proviso. Ords., Art. 3, Sec. 74.....	626
—penalty for disregard of orders of inspectors. Ords., Art. 3, Sec. 57.....	614-20
—permit for construction. Ords., Art. 3, Sec. 55.....	618-19
—permit for repairs. Ords., Art. 3, Sec. 67.....	624
—register of. Ords., Art. 3, Sec. 56.....	619
—repairs, penalty for failure to make. Ords., Art. 3, Sec. 57.....	619-20
—repairs, when permit for required. Ords., Art. 3, Sec. 67.....	624
—report of inspectors, what to show. Ords., Art. 3, Sec. 57.....	619
—report of location by owner. Ords., Art. 3, Sec. 56.....	619
—return of permit on completion of work. Ords., Art. 3, Sec. 55.....	618
—safety appliances. Ords., Art. 3, Sec. 65.....	623-4
—safe weights to be posted. Ords., Art. 3, Sec. 59.....	620-1

BUILDINGS—(Cont'd).**Elevators**—(Cont'd).

- shafts, enclosure of.
Ords., Art. 3, Secs. 61-2..... 622-3
- sheaves and drums.
Ords., Art. 3, Sec. 66..... 624
- sidewalk elevator guards.
Ords., Art. 3, Sec. 65..... 623-4
- signs in, to be uniform.
Ords., Art. 3, Sec. 70..... 625
- speed governors.
Ords., Art. 3, Sec. 65.. 623-624
- stairways around shafts,
fireproof partition be-
tween.
Ords., Art. 3, Sec. 63..... 623
- storage of inflammable
material near, prohibited.
Ords., Art. 3, Sec. 69..... 625
- trap-doors of hatches.
Ords., Art. 3, Sec. 61..... 622
- window openings to
shafts, protection of.
Ords., Art. 3, Sec. 62..... 622-3

encroachments, removal on
notice.

Ords., Art. 3, Sec. 102..... 634

exits and egress from build-
ings, of public assem-
blage to be examined by
police.

Acts, Sec. 280..... 252

exits of, when to be kept open;
penalty.

Acts, Sec. 280..... 252

Fences,

- advertising fences above
twenty feet high prohibi-
ted.
Ords., Art. 3, Sec. 77..... 627
- partition fences, payment
of cost of.
Ords., Art. 3, Sec. 75..... 626
- penalties for illegal con-
struction.
Ords., Art. 3, Sec. 78..... 627
- permit for walls, or sign-
boards over six feet
square, required.
Ords., Art. 3, Sec. 76..... 626-7

fireproof construction, defi-
nition of.

Ords., Art. 3, Sec. 95..... 632

fireproofing—approval of by
Inspector of Buildings.

Ords., Art. 3, Sec. 97..... 633

BUILDINGS—(Cont'd).**Fire Regulations**,

- alarms, fire, buildings re-
quiring.
Ords., Art. 3, Sec. 83..... 628
- bakeries, steam, to have
spark catchers.
Ords., Art. 3, Sec. 86. 629-30
- buildings of a public charac-
ter, egress from.
Ords., Art. 3, Sec. 84..... 629
- buildings requiring fire
escapes.
Ords., Art. 3, Sec. 83..... 628
- buildings requiring fire-
proof construction.
Ords., Art. 3, Sec. 82..... 628
- Board of Fire Commis-
sioners to approve fire
protection.
Ords., Art. 3, Sec. 85..... 629
- fireproofing materials,
buildings requiring.
Ords., Art. 3, Sec. 82..... 628
- fireproof shutters, build-
ings requiring.
Ords., Art. 3, Sec. 79..... 627
- fire doors, construction.
Ords., Art. 3, Sec. 80..... 627
- fire escapes and alarms,
buildings requiring.
Ords., Art. 3, Sec. 83..... 628
- frames and sashes of wire
glass, fire shutters not
required.
Ords., Art. 3, Sec. 81..... 628
- furnaces to have spark
catchers.
Ords., Art. 3, Sec. 86..... 629
- maintenance of fire es-
capes, owners liable.
Ords., Art. 3, Sec. 83..... 628
- obstructions on fire-es-
capes, prohibited.
Ords., Art. 3, Sec. 83..... 628
- precautions in case of fire.
Ords., Art. 3, Secs. 84, 85 629
- shutters, fire-proof, where
required.
Ords., Art. 3, Sec. 79..... 627
- spark catchers, where re-
quired.
Ords., Art. 3, Sec. 86..... 628
- stairways of fire proof
material.
Ords., Art. 3, Sec. 82..... 628
- steam engines, spark catch-
ers for stacks of.
Ords., Art. 3, Sec. 86..... 629

BUILDINGS—(Cont'd).**Fire Regulations—(Cont'd).**

- window frames and sashes of wire glass, require no shutters.
Ords., Art. 3, Sec. 81..... 628

Furnaces and Heating**Apparatus,**

- ash boxes, other than iron, prohibited, penalty.
Ords., Art. 3, Sec. 42..... 613
- chimneys causing annoyance and danger, removal of.
Ords., Art. 3, Sec. 43..... 613
- defective apparatus, delay in repairing, penalty.
Ords., Art. 3, Sec. 40..... 612
- inspection of.
Ords., Art. 3, Sec. 37..... 611
- installation of, permit.
Ords., Art. 3, Sec. 38..... 612
- obstructing inspection of, penalty.
Ords., Art. 3, Sec. 39..... 612
- permit, return of.
Ords., Art. 3, Sec. 38..... 612
- permit return of, penalty for retention.
Ords., Art. 3, Sec. 41..... 613

Frame Sheds and Wooden Buildings,

- advertisement of application for permit.
Ords., Art. 3, Sec. 88..... 630
- appeal from order of Inspector of Buildings in damage by fire.
Ords., Art. 3, Sec. 92..... 631
- bath-rooms, not to connect with.
Ords., Art. 3, Sec. 88..... 630
- damage to wooden buildings by fire.
Ords., Art. 3, Sec. 92..... 631
- distance between sheds.
Ords., Art. 3, Sec. 89..... 631
- fee for permit.
Ords., Art. 3, Sec. 87..... 630
- fire protection of.
Art. 3, Sec. 89..... 631
- habitation, not to use as.
Ords., Art. 3, Sec. 87..... 630
- height, limit of.
Ords., Art. 3, Sec. 88..... 630

BUILDINGS—(Cont'd).**Frames, Sheds, etc.—(Cont'd).**

- lathing on inside, permit for.
Ords., Art. 3, Sec. 91..... 631
- permit for erection.
Ords., Art. 3, Sec. 87..... 630
- plastering inside of, permit for.
Ords., Art. 3, Sec. 91..... 631
- rebuilding when damaged by fire.
Ords., Art. 3, Sec. 92..... 631
- revocation of permit, removal of sheds.
Ords., Art. 3, Sec. 90..... 631
- sheds for storage and manufacturing purposes.
Ords., Art. 3, Sec. 88..... 630
- stables, sheds as, consent of property owners.
Ords., Art. 3, Sec. 90..... 631
- wooden and frame buildings, damaged by fire, not to rebuild.
Ords., Art. 3, Sec. 92..... 631

General Powers,

- awnings, construction of.
Acts, Sec. 6 46
- bay windows.
Acts, Sec. 6 46
- bow windows.
Acts, Sec. 6 46
- bricks, to fix size of.
Acts, Sec. 6 45
- burnt district, building restrictions in.
Acts, Sec. 6 46
- construction and repair of buildings.
Acts, Sec. 6 46
- dangerous and unsafe structures.
Acts, Sec. 6 46
- dwellings, lots, yards and enclosures, examination and sanitary inspection of.
Acts, Sec. 6 45
- height of buildings regulated.
Acts, Sec. 6 46
- inspections, fire and heating apparatus.
Acts, Sec. 6 45
- piers, and porticos.
Acts, Sec. 6 46

BUILDINGS—(Cont'd).**Frames, Sheds, etc.—(Cont'd).**

- removal of dangerous and unsafe buildings.
Acts, Sec. 6..... 46
- sanitary inspection of buildings.
Acts, Sec. 6..... 45
- smoke, to regulate consumption of.
Acts, Sec. 6..... 46
- steps and signs.
Acts, Sec. 6..... 46
- show windows.
Acts, Sec. 6..... 46
- walls, fire, parapet and party walls, regulation of same.
Acts, Sec. 6..... 45
- wooden and frame buildings, power to regulate or prohibit erection of same.
Acts, Sec. 6..... 46
- gutters and spouting, owners to provide proper.**
Ords., Art. 3, Sec. 8..... 602
- penalty for failure to provide.
Ords., Art. 3, Sec. 8..... 602

height of buildings, stories and walls,

- additions to height of existing buildings.
Ords., Art. 3, Sec. 98..... 633
- height of fireproof buildings.
Ords., Art. 3, Sec. 96..... 632
- height of non-fireproof buildings.
Ords., Art. 3, Sec. 94..... 632
- height of stories.
Ords., Art. 3, Sec. 101..... 634
- height of walls from kerb level.
Ords., Art. 3, Sec. 93..... 632

insane asylums, erection and use as prohibited.

- Ords., Art. 16, Secs. 1, 2..... 869

Iron and Steel Construction,

- alley bars.
Ords., Art. 3, Sec. 111..... 641
- anchors for beams.
Ords., Art. 3, Sec. 106..... 638
- blowholes or imperfections.
Ords., Art. 3, Sec. 103..... 636
- bolt connections.
Ords., Art. 3, Sec. 109..... 640

BUILDINGS—(Cont'd).**Iron and Steel Const.—(Cont'd).**

- bolting riveted trusses.
Ords., Art. 3, Sec. 110..... 641
- bolts for beams used in pairs.
Ords., Art. 3, Sec. 104..... 638
- buckling of girders, prevention.
Ords., Art. 3, Sec. 104..... 637
- cast iron or metal fronts.
Ords., Art. 3, Sec. 112..... 642
- columns, fireproof protection.
Ords., Art. 3, Sec. 103..... 634
- core of columns.
Ords., Art. 3, Sec. 103..... 636
- diameter and thickness of cast iron columns.
Ords., Art. 3, Sec. 103..... 636
- double columns to meet exigencies.
Ords., Art. 3, Sec. 103..... 637
- eye bars.
Ords., Art. 3, Sec. 111..... 641
- floor and roof beams.
Ords., Art. 3, Sec. 106..... 638
- framed beams.
Ords., Art. 3, Sec. 107..... 639
- girders in enclosure walls, protection of.
Ords., Art. 3, Sec. 103..... 635
- iron or steel below water level.
Ords., Art. 3, Sec. 112..... 642
- lateral or sway bracing.
Ords., Art. 3, Sec. 110..... 640
- lintel bearings.
Ords., Art. 3, Sec. 105..... 638
- metal or cast iron fronts.
Ords., Art. 3, Sec. 112..... 642
- painting steel work.
Ords., Art. 3, Sec. 112..... 642
- pin connected trusses, pins and pin holes, pin plates.
Ords., Art. 3, Sec. 111..... 641
- rivet holes, distance from edge of material.
Ords., Art. 3, Sec. 108..... 639
- rivetting specifications.
Ords., Art. 3, Sec. 108..... 639
- rivets, splices, etc.
Ords., Art. 3, Sec. 104..... 637
- shoes for columns.
Ords., Art. 3, Sec. 103..... 637
- specifications for columns.
Ords., Art. 3, Sec. 103..... 635
- stresses on trusses.
Ords., Art. 3, Sec. 110..... 640

	Page
BUILDINGS—Cont'd).	
Iron and Steel Const.—(Cont'd).	
—suspenders.	
Ords., Art. 3, Sec. 109...	640
—tension members of trusses.	
Ords., Art. 3, Sec. 110....	640
—trimmer beams, iron or steel.	
Ords., Art. 3, Sec. 107....	639
—trusses, pin connected.	
Ords., Art. 3, Sec. 111....	641
—trusses, stresses in.	
Ords., Art. 3, Sec. 110....	640
—water level, iron or steel below.	
Ords., Art. 3, Sec. 112....	642
litigation in relation to.	
Acts. Sec. 6, notes.....	47
loads on floors, weights and strains.	
—apartment houses, ball rooms, etc.	
Ords., Art. 3, Sec. 115....	643
—capacity of girders, etc., to be stamped thereon.	
Ords., Art. 3, Sec. 119....	645
—columns and foundations.	
Ords., Art. 3, Sec. 115....	644
—dwellings, hotels, etc.	
Ords., Art. 3, Sec. 115....	643
—factor of safety.	
Ords., Art. 3, Sec. 118....	645
—floors.	
Ords., Art. 3, Sec. 115....	643
—heavy machinery and weights on floors, permits for.	
Ords., Art. 3, Sec. 117....	645
—joists, specifications, spacing.	
Ords., Art. 3, Sec. 113....	642
—live load defined.	
Ords., Art. 3, Sec. 115....	643
—machinery, safes, etc., on floors, permit for.	
Ords., Art. 3, Sec. 117...	645
—minimum live load.	
Ords., Art. 3, Sec. 115....	643
—office buildings, concentrated load, distributed load.	
Ords., Art. 3, Sec. 115....	643
—owners to post maximum safe load.	
Ords., Art. 3, Sec. 116....	645
—posting safe storage weights.	
Ords., Art. 3, Sec. 116....	645

	Page
BUILDINGS—(Cont'd).	
Loads on Floors, etc.—(Cont'd).	
—roofs, ordinary, loads to carry.	
Ords., Art. 3, Sec. 115....	644
—roofs, large, live load, wind pressure.	
Ords., Art. 3, Sec. 115....	644
—safe weights for floors of stores, warehouses, etc.	
Ords., Art. 3, Sec. 114....	642
—safes, machinery, etc., permit to install.	
Ords., Art. 3, Sec. 117....	645
—safe weights for floors, schedule of.	
Ords., Art. 3, Sec. 115....	643
—stables and carriage houses.	
Ords., Art. 3, Sec. 115....	643
—tenements, floor loads.	
Ords., Art. 3, Sec. 115....	643
—warehouses.	
Ords., Art. 3, Sec. 114....	642
—wind pressure.	
Ords., Art. 3, Sec. 115....	644
—low buildings.	
Ords., Art. 3, Sec. 100....	633
market houses, inspection of; Inspector of Buildings to make annual report of.	
Ords., Art. 3, Sec. 9.....	603
numbering houses, errors and irregularity in, penalty.	
Ords., Art. 3, Sec. 120....	646
—numbering of, correction of errors in.	
Ords., Art. 39, Sec. 11.....	1175
obstruction of aisles or passage-ways in buildings of public assemblage prohibited; penalty.	
Acts, Sec. 280.....	251-253
owners of to provide for drainage from, penalty.	
Ords., Art. 14, Sec. 150..	843
penalty relating to obstruction of egress and exits from.	
Acts, Sec. 280.....	252
Permits For,	
—alterations and repairs.	
Ords., Art. 3, Sec. 11..	603 604
—Appeal Tax Court to issue.	
Ords., Art. 3, Sec. 5....	600-601
—application filed as record.	
Ords., Art. 3, Sec. 5....	600-601

BUILDINGS—(Cont'd).**Permits for—(Cont'd).**

- application for, by whom signed.
Ords., Art. 3, Sec. 5, 600-601
- awnings.
Ords., Art. 3, Sec. 134.... 651
- balconies, porches, etc.
Ords., Art. 3, Sec. 13.... 604
- bathrooms.
Ords., Art. 3, Sec. 13..... 604
- conformity to building requirements necessary.
Ords., Art. 3, Sec. 5, 600-601
- consent of property owners, record of.
Ords., Art. 3, Sec. 5, 600-601
- electrical installation and wiring.
Ords., Art. 3, Sec. 45.... 614
- elevators, permits for construction.
Ords., Art. 3, Sec. 55.... 618
..... 619
- elevators, permits for repairs.
Ords., Art. 3, Sec. 67.... 624
- existing structures, additions and alterations to.
Ords., Art. 38, Secs. 17, 19.....1161-1162
- fences.
Ords., Art. 3, Sec. 76.... 626
..... 627
- frame sheds and wooden buildings.
Ords., Art. 3, Sec. 87.... 630
- furnaces.
Ords., Art. 3, Secs. 38-41..... 612-613
- gasoline storage tanks.
Ords., Art. 11, Sec. 76.... 762
- grade lines, establishment of before issuing permits.
Ords., Art. 35, Secs. 50-531108-1109
- heating apparatus.
Ords., Art. 3, Sec. 38..... 612
- new structures.
Ords., Art. 3, Sec. 5. 600-601
Ords., Art. 38, Secs. 17-21.....1161-1163
- official stamp on plans and specifications.
Ords., Art. 3, Sec. 5..... 600
..... 601
- plans and specifications, return to applicant.
Ords., Art. 3, Sec. 5..... 600
..... 601

BUILDINGS—(Cont'd).**Permits for—(Cont'd).**

- porches, balconies, etc.
Ords., Art. 3, Sec. 13... 604
 - consent of property owners.
Ords., Art. 3, Sec. 5..... 600
..... 601
 - record of.
Ords., Art. 3, Sec. 5..... 600
..... 601
 - safes, machinery and weights.
Ords., Art. 3, Sec. 117... 645
 - signs and bill boards.
Ords., Art. 3, Sec. 6..... 626
..... 627
 - specifications and drawings to accompany application.
Ords., Art. 3, Sec. 5..... 600
..... 601
 - stables.
Ords., Art. 3, Secs. 136-137..... 652
 - steam, gas and gasoline engines and machinery.
Ords., Art. 3, Secs. 139-149.....653-657
 - storage sheds.
Ords., Art. 3, Sec. 88..... 680
 - vaults and areas.
Ords., Art. 3, Secs. 154, 155, 159, 160.....659-661
 - wooden buildings.
Ords., Art. 3, Sec. 87.... 630
- Plans And Specifications,**
- alter, erase, modify plans stamped by Inspector of Buildings, unlawful.
Ords., Art. 3, Sec. 7..... 602
 - alteration of plans, notice to and assent of Inspector of Buildings.
Ords., Art. 3, Sec. 7..... 602
 - copies of plans to remain on file during construction.
Ords., Art. 3, Sec. 6.... 602
 - permanent retention of plans of private buildings not required.
Ords., Art. 3, Sec. 6..... 602
 - plans of buildings of public character to be permanently filed.
Ords., Art. 3, Sec. 6..... 602
 - police, fire regulations.
Ords., Art. 25, Secs. 32-35.....969-970

BUILDINGS—(Cont'd).

Page

Repairs to City Buildings,

- Inspector of Buildings to make.
Ords., Art. 3, Sec. 10.... 603

Roofs, Cornices and Scuttles,

- bulkheads instead of scuttles.
Ords., Art. 3, Sec. 122.... 647
- cornices, exterior, specifications, repairs to.
Ords., Art. 3, Sec. 123.... 648
- cornices, metal, metal lookouts for.
Ords., Art. 3, Sec. 124.... 648
- dormer windows, coverings of.
Ords., Art. 3, Sec. 121.... 647
- exits through roofs.
Ords., Art. 3, Sec. 122.... 647
- gutters, specifications, repairs to wooden.
Ords., Art. 3, Sec. 123.... 648
- repairs to shingle roofs.
Ords., Art. 3, Sec. 121.... 647
- roofs, planking, sheathing, covering and repairs to.
Ords., Art. 3, Sec. 121.... 647
- scuttles, frames, doors, ladders of.
Ords., Art. 3, Sec. 122.... 647
- shingle roofs, repairs to.
Ords., Art. 3, Sec. 121.... 647
- wooden buildings, roofs of.
Ords., Art. 3, Sec. 121.... 647

Sanitary And Hygenic Regulations,

- apartment, lodging and tenement houses.
Ords., Art. 3, Sec. 125.... 648
- basements, use as sleeping rooms.
Ords., Art. 3, Sec. 128.... 650
- boarding, lodging and tenement houses, overcrowding.
Ords., Art. 3, Sec. 129.... 650
- buildings, wooden, below street level.
Ords., Art. 3, Sec. 132.... 651
- cesspools, construction specifications.
Ords., Art. 3, Sec. 131.... 650
- Commissioner of Health to approve privy wells.
Ords., Art. 3, Sec. 127.... 649

BUILDINGS—(Cont'd).

Page

Sanitary, etc.—(Cont'd).

- crowding in lodging, etc., houses prohibited.
Ords., Art. 3, Sec. 129.... 650
- damp floors, not to use for sleeping.
Ords., Art. 3, Sec. 128.... 650
- drainage from dwellings etc.
Ords., Art. 3, Sec. 126.... 649
- dwellings, sleeping rooms in, ventilation of.
Ords., Art. 3, Sec. 125.... 648
- notice to owners of wooden buildings below street level.
Ords., Art. 3, Sec. 132.... 651
- penalty for disregard of orders of Commissioner of Health.
Ords., Art. 3, Sec. 132.... 651
- privies of dwellings, etc., use in common.
Ords., Art. 3, Sec. 127.... 649
- privy wells, construction of.
Ords., Art. 3, Sec. 127.... 649
- roofs of dwellings, lodging houses, etc., maintenance of.
Ords., Art. 3, Sec. 126.... 649
- sinks of public schools, cleaning of.
Ords., Art. 3, Sec. 130.... 650
- sleeping rooms, ventilation of.
Ords., Art. 3, Sec. 125.... 648
- transoms, area of.
Ords., Art. 3, Sec. 125.... 648
- ventilation of sleeping rooms.
Ords., Art. 3, Sec. 125.... 648
- water closets of dwellings, etc., use of in common.
Ords., Art. 3, Sec. 127.... 649
- wells used in privies, requirements for.
Ords., Art. 3, Sec. 131.... 651
- wooden buildings below street level, to raise and underpin with stone, penalty.
Ords., Art. 3, Sec. 132.... 651
- yards, grading and drainage.
Ords., Art. 3, Sec. 127.... 649

	Page
BUILDINGS—(Cont'd).	
Sidewalks,	
—awnings, permit fee.	
Ords., Art. 3, Sec. 134....	651
—grade of sidewalks.	
Ords., Art. 3, Sec. 133....	651
Stables,	
—application for permit to erect or alter, publication of.	
Ords., Art. 3, Sec. 136 ...	652
—livery, consent of Mayor and City Council to erection or alteration.	
Ords., Art. 3, Sec. 135....	651
.....	652
—penalty for erection without permit, removal of stables so erected.	
Ords., Art. 3, Sec. 137....	652
—temporary sheds for mechanics.	
Ords., Art. 3, Sec. 99....	633
Vaults and Areas,	
—alteration and repair of cellar doors, permit, penalty.	
Ords., Art. 3, Sec. 159....	661
—application for permit.	
Ords., Art. 3, Sec. 155....	659
—approval of construction by Board of Estimates.	
Ords., Art. 3, Sec. 154....	659
—area or vault, defined.	
Ords., Art. 3, Sec. 156....	660
—basements and cellars, entrance to, protection of, penalty.	
Ords., Art. 3, Sec. 157....	660
—cellar doors, alteration and repair, permit, penalty.	
Ords., Art. 3, Sec. 159....	661
—completion in three weeks.	
Ords., Art. 3, Sec. 155....	659
—construction, protection, during, penalty.	
Ords., Art. 3, Sec. 158....	660
—cost of permit.	
Ords., Art. 3, Sec. 155....	659
—covering of vaults, etc., in accordance with permit, penalty.	
Ords., Art. 3, Sec. 160....	661
—doors and grates of cellars.	
Ords., Art. 3, Sec. 157....	660

	Page
BUILDINGS—(Cont'd).	
Vaults and Areas—(Cont'd).	
—entrance to cellars and basements, protection of, penalty.	
Ords., Art. 3, Sec. 157....	660
—exceeding permit, effect of.	
Ords., Art. 3, Sec. 155....	659
—extension of time for completion.	
Ords., Art. 3, Sec. 155....	659
—penalty for failure to protect.	
Ords., Art. 3, Sec. 157....	660
—permit for construction.	
Ords., Art. 3, Sec. 154....	659
—protection during construction, penalty.	
Ords., Art. 3, Sec. 158....	660
—railings around vaults and areas, penalty.	
Ords., Art. 3, Sec. 157....	660
—thickness of walls.	
Ords., Art. 3, Sec. 155....	659
—“vault” or “area” defined.	
Ords., Art. 3, Sec. 156....	660
Walls of Buildings.	
—anchoring walls.	
Ords., Art. 3, Sec. 198....	678
—arches, brick, between joists.	
Ords., Art. 3, Sec. 199....	678
—area of buildings of less than three stories.	
Ords., Art. 3, Sec. 181....	671
—area of buildings without partition walls.	
Ords., Art. 3, Sec. 180....	671
—ashler stone, less than four inches thick.	
Ords., Art. 3, Sec. 194....	677
—base courses, specifications.	
Ords., Art. 3, Sec. 161....	661
—bearing walls, thickness of.	
Ords., Art. 3, Sec. 174....	668
—brick arches between joists.	
Ords., Art. 3, Sec. 199....	678
—brick walls between iron or steel columns.	
Ords., Art. 3, Sec. 187....	673
—brick work, specifications for.	
Ords., Art. 3, Sec. 191....	675
Ords., Art. 3, Sec. 195....	677
—buildings fronting on three streets, area of.	
Ords., Art. 3, Sec. 180....	670
—buildings, government, Federal or State exempt.	
Ords., Art. 3, Sec. 202....	679

	Page
BUILDINGS—(Cont'd).	
Walls of Buildings—(Cont'd).	
—cellar walls.	
Ords., Art. 3, Sec. 170....	665
—centre walls, between houses.	
Ords., Art. 3, Sec. 175....	668
—chases in walls.	
Ords., Art. 3, Sec. 192....	676
—clear span, additional thickness for increase in.	
Ords., Art. 3, Sec. 177....	670
—clear span, limit of.	
Ords., Art. 3, Sec. 172....	667
—clear span, when girders used.	
Ords., Art. 3, Sec. 173....	667
—collection of fines.	
Ords., Art. 3, Sec. 204....	680
—concrete walls, specifications.	
Ords., Art. 3, Sec. 193....	676
—construction of dwelling walls.	
Ords., Art. 3, Sec. 171....	667
—corner buildings, area of.	
Ords., Art. 3, Sec. 180....	670
—cross walls, absence of, to increase side walls.	
Ords., Art. 3, Sec. 182....	671
—cost of repairing party walls.	
Ords., Art. 3, Sec. 166....	663
—curtain walls.	
Ords., Art. 3, Sec. 187....	673
—dangerous walls, Inspector of Buildings to underpin.	
Ords., Art. 3, Sec. 165....	663
—division walls.	
Ords., Art. 3, Sec. 162....	662
—door and window openings.	
Ords., Art. 3, Sec. 190....	674
—“dwelling-house walls” defined.	
Ords., Art. 3, Sec. 170....	665
—erection of walls, safety during.	
Ords., Art. 3, Sec. 189....	674
—excavations beyond ten feet, underpinning adjoining walls.	
Ords., Art. 3, Sec. 166....	663
—excavations less than ten feet, underpinning.	
Ords., Art. 3, Sec. 165....	663
—face brick to be bonded with brick.	
Ords., Art. 3, Sec. 196....	677

	Page
BUILDINGS—(Cont'd).	
Walls of Buildings—(Cont'd).	
—Federal and State construction exempt.	
Ords., Art. 3, Sec. 202....	679
—fire walls of two-story buildings.	
Ords., Art. 3, Sec. 186....	673
—floor beams, separation of in party wall.	
Ords., Art. 3, Sec. 175....	668
—footings of walls.	
Ords., Art. 3, Sec. 161....	661
Ords., Art. 3, Sec. 170....	665
—foundation walls.	
Ords., Art. 3, Sec. 163....	662
—framing joists, trimmers and headers.	
Ords., Art. 3, Sec. 200....	678
—headers in brick and stone walls.	
Ords., Art. 3, Sec. 197....	677
—hollow walls.	
Ords., Art. 3, Sec. 191....	675
—independent division or party walls.	
Ords., Art. 3, Sec. 169....	664
—joists, anchorage of.	
Ords., Art. 3, Sec. 198....	678
—joists, framing of.	
Ords., Art. 3, Sec. 200....	678
—limiting area of buildings.	
Ords., Art. 3, Sec. 181....	671
—masonry and brickwork specifications.	
Ords., Art. 3, Sec. 191....	675
—miscellaneous walls.	
Ords., Art. 3, Sec. 178....	670
—mortar and sand specifications.	
Ords., Art. 3, Sec. 201....	679
—mortar for various foundation walls.	
Ords., Art. 3, Sec. 170....	665
—non-bearing walls, minimum thickness.	
Ords., Art. 3, Sec. 171....	667
—notice to owner to underpin party wall.	
Ords., Art. 3, Sec. 165....	663
—one-story structures, walls of.	
Ords., Art. 3, Sec. 184....	672
—openings for doors and windows.	
Ords., Art. 3, Sec. 190....	674
—parapet walls, coping of.	
Ords., Art. 3, Sec. 191....	675
—partition walls, fore and aft.	
Ords., Art. 3, Sec. 171....	667

BUILDINGS—(Cont'd).

Page

Walls of Buildings—(Cont'd).

- partition walls in ware-houses and factories.
Ords., Art. 3, Sec. 179.... 670
- partition walls, reduction for cross walls.
Ords., Art. 3, Sec. 183.... 671
- partition walls, substitutes for.
Ords., Art. 3, Sec. 180.... 670
- partition walls, supporting beams.
Ords., Art. 3, Sec. 172.... 667
- party walls, concrete prohibited.
Ords., Art. 3, Sec. 193.... 676
- party walls, excavations for, cost to adjoining owners.
Ords., Art. 3, Sec. 166.... 663
- party walls, heretofore built, not in accordance herewith.
Ords., Art. 3, Sec. 188.... 673
- party walls, protection during excavation, cost of.
Ords., Art. 3, Sec. 165.... 663
- party walls, defective, repair or removal.
Ords., Art. 3, Sec. 167.... 664
- party walls, unequal use of, reimbursement of owner.
Ords., Art. 3, Sec. 168.... 664
- penalties imposed hereunder.
Ords., Art. 3, Sec. 203.... 679
- public buildings, wall specifications.
Ords., Art. 3, Sec. 178.... 670
- repair or removal of party walls.
Ords., Art. 3, Sec. 167.... 664
- recesses for elevators, stairways, etc.
Ords., Art. 3, Sec. 192.... 676
- recovery of fines and penalties.
Ords., Art. 3, Sec. 204.... 680
- rock-bottom foundations.
Ords., Art. 3, Sec. 164.... 662
- safety provisions during erection.
Ords., Art. 3, Sec. 189.... 674
- single-thickness walls, height of.
Ords., Art. 3, Sec. 173.... 667
- state and federal buildings, exempt.
Ords., Art. 3, Sec. 202.... 679

BUILDINGS—(Cont'd).**Walls of Buildings—(Cont'd).**

- stone ashler, less than four inches thick.
Ords., Art. 3, Sec. 194.... 677
- strength of walls.
Ords., Art. 3, Sec. 191.... 675
- thickness of dwelling walls.
Ords., Art. 3, Sec. 170.... 665
- two story dwellings, walls of.
Ords., Art. 3, Sec. 185.... 672
- underpinning walls during construction.
Ords., Art. 3, Sec. 165-6.... 663
- "warehouse walls," defined, thickness for height.
Ords., Art. 3, Sec. 176.... 668
- window and door openings.
Ords., Art. 3, Sec. 190.... 674

Water—police to report use of for building purposes.
Ords., Art. 25, Sec. 115.. 996

Wood,

- use in construction; when permitted.
Ords., Art. 3, Sec. 95.... 632

Wooden Buildings,

- removal of from lot to lot.
Ords., Art. 3, Sec. 100.... 633

Wood Work,

- air space behind or around prohibited.
Ords., Art. 3, Sec. 95.... 632

BUILDINGS AND SCHOOL PROPERTY,

Board of School Commissioners to have charge of.
Ords., Art. 32, Sec. 1.....1043

BUILDINGS FOR STORING OILS,

- fireproof, frame buildings.
Ords., Art. 11, Sec. 85.. 766

BUILDINGS IN ANNEX,

numbering contrary to system of Topographical Survey forbidden.
Ords., Art. 39, Sec. 9....1174

BUILDINGS, INSPECTOR OF,	Page
<i>See "Inspector of Buildings"</i>	
<i>and "Buildings."</i>	

BUILDINGS OF WOOD,	
fire precautions, lamps out-	
side of, penalty.	
Ords., Art. 11, Sec. 55..	755

BUILDINGS, PUBLIC,	
Art Commission to approve	
designs.	
Acts, Sec. 203.....	207
charge of, under Superin-	
tendent of Public Build-	
ings.	
Acts, Sec. 207.....	209

BULKHEAD AND PIERHEAD	
LINES,	
<i>See "Harbor, Docks and</i>	
<i>Wharves."</i>	
Acts, Sec. 6.....	51
Ords., Art. 13, Sec. 10....	775

BURIAL EXPENSES,	
<i>See "Coroners."</i>	

BUSINESS PLACES,	
privies of to be separated for	
males and females.	
Ords., Art. 14, Sec. 158..	845
	846

BUOYS,	
Anchorage Nos. 1, 2, 3 and	
4 to be marked by.	
Ords., Art. 13, Sec. 4.....	773

BURIAL FROM MORGUE,	
clothing and effects of per-	
sons receiving.	
Ords., Art. 14, Sec. 80....	821

BURIAL GROUNDS,	
depth of graves in; penalty.	
Ords., Art. 14, Sec. 113..	831

BURIAL OF INFECTED	
BODIES,	
regulations for.	
Ords., Art. 14, Sec. 17....	801

BURIAL PERMITS,	
<i>See "Health."</i>	
Ords., Art. 14, Sec. 184..	860

BURNING SHAVINGS,	Page
restrictions on, penalty.	
Ords., Art. 11, Sec. 66....	758

BURNT DISTRICT,	
boundaries of defined.	
App. A, Sec. 30.....	1258-1259
building in conflict with high-	
way lines prohibited;	
penalty.	
Ords., Art. 35, Sec. 12....	1094
deeds of property in.	
Ords., Art. 1 Sec. 4....	572-273
footways in; permits for repair	
of required.	
Ords., Art. 35, Sec. 13....	1094
side walks in; construction	
and material of.	
Ords., Art. 35, Sec. 14....	1095

BURNT DISTRICT COMMIS-	
SION,	
acquisition of lands.	
App. A, Sec. 5.....	1240
appeals from decisions of.	
App. A, Sec. 7.....	1241
appointment and qualifica-	
tions of members.	
App. A, Sec. 1.....	1235
appointment of substitute	
for interested commis-	
sioner.	
App. A Sec. 19.....	1252
appropriation for expenses	
of.	
App. A, Sec. 29.....	1257
assignment of damages	
where benefits also as-	
sessed.	
App. A, Sec. 25.....	1254-5
assistants, employment of.	
App. A, Sec. 1.....	1236
Baltimore City Court, juris-	
diction of.	
App. A, Sec. 12.....	1249
benefits; collection of as-	
essment.	
App. A, Sec. 13.....	1250
benefits, discount for early	
payment of.	
App. A, Sec. 37.....	1263
benefits; sale of property	
for.	
App. A, Sec. 14.....	1251
benefits; sales for, deed to	
purchaser.	
App. A, Sec. 16.....	1251

	Page
BURN'T DISTRICT, Etc.,—(Cont'd).	
benefits to be considered in assessing damages.	
App. A, Sec. 26	1255
boundaries of "Burnt District."	
App. A, Sec. 30	1258-9
chairman, election and duties of.	
App. A, Sec. 1	1235
changes of grades, damages for.	
App. A, Secs. 35-36	1262-3
City Boards to act on reports of.	
App. A, Sec. 4	1238
City Court to try questions of fact.	
App. A, Sec. 12	1249
City Engineer, effect on powers of.	
App. A, Sec. 31	1259
claims of property owners, adjudication of.	
App. A, Sec. 9	1244
closing review of proceedings.	
App. A, Sec. 10	1247
closing streets, powers and procedure in.	
App. A, Sec. 28	1256
Commissioner of Street Cleaning, effect on powers of.	
App. A, Sec. 31	1259
conveyances of property by, validity of.	
App. A, Sec. 6	1230
damages, fund for payment.	
App. A, Sec. 36	1253
damages to be paid or tendered before streets opened.	
App. A, Sec. 17	1252
deposit of records of, with City Register.	
App. A, Sec. 23	1254
deeds of rendered void by use of signs or bill boards in "Burnt District."	
City Code, Sec. 4	572-573
discount for early payment of benefits assessed.	
App. A, Sec. 37	1263
docks, additions to.	
App. A, Sec. 3	1239
duties of Commission.	
App. A, Sec. 2	1236

	Page
BURN'T DISTRICT, Etc.,—(Cont'd).	
exception to awards damages and benefits, procedure in.	
App. A, Sec. 12	1248
expenses, City Register to pay on vouchers.	
App. A, Sec. 22	1254
extra powers to be granted by city.	
App. A, Sec. 3	1237
fee simple and leasehold to be distinguished in assessments.	
App. A, Sec. 20	1253
fund for payment of damages.	
App. A, Sec. 36	1263
gifts of property to city, benefits released.	
App. A, Sec. 6	1241
harbor, filling up, in widening Light and Pratt streets.	
App. A, Sec. 27	1256
highways, streets acquired, to become.	
App. A, Sec. 24	1254
interested commissioner, appointment of substitute for.	
App. A, Sec. 19	1252
jurisdiction of Baltimore City Court.	
App. A, Sec. 12	1249
leaseholds and fees distinction between, in assessments.	
App. A, Sec. 20	1253
lien for benefits to insure to volunteer paying assessment.	
App. A, Sec. 18	1253
Light and Pratt streets, filling up harbor to widen.	
App. A, Sec. 27	1256
Light street, state property involved in widening.	
App. A, Sec. 34	1261
loan for Burnt District improvement.	
App. A, Sec. 32	1260-61
minutes of meetings, secretary to keep.	
App. A, Sec. 1	1235
notice of contemplated improvement, publication of.	
App. A, Sec. 10	1246

BURNT DISTRICT, Etc.—(Cont'd).

	Page
notice to owners, etc., interested in condemna- tions.	
App. A, Sec. 11.....	1248
obstructions to improve- ments, owners to remove.	
App. A, Sec. 21.....	1253
opening, widening, etc., streets, duties and powers in.	
App. A, Sec. 4.....	1239
powers of commissioners, procedure, etc.	
App. A, Sec. 4.....	1237-39
Pratt and Light streets, fill- ing up harbor to widen.	
App. A, Sec. 27.....	1256
procedure in making im- provements.	
App. A, Sec. 8.....	1242-3
qualifications of members.	
App. A, Sec. 1.....	1235
records to be deposited with City Register.	
App. A, Sec. 23.....	1254
review of proceedings in assessments.	
App. A, Sec. 10.....	1247
salaries of members, chair- man and secretary.	
App. A, Sec. 1.....	1235
sales of property for benefits assessed.	
App. A, Sec. 15.....	1251
secretary, duties, salary.	
App. A, Sec. 1.....	1235
state lands in Burnt Dis- trict, conveyance of.	
App. A, Secs. 33-34.....	1261
voters to pass on Burnt District Loan.	
App. A, Sec. 32.....	1561
wharves and dock, additions to.	
App. A, Sec. 4.....	1239

**BURNT DISTRICT IM-
PROVEMENT LOAN,**

App. A, Sec. 32.....	1260-1261
----------------------	-----------

**BUSHEL AND PECK MEAS-
URES,**

dimensions, penalty, Ords., Art. 17, Sec. 9..	878-9
--	-------

BUTCHERS,

carts of in markets. Ords., Art. 23, Sec. 60....	937
---	-----

—puddings and sausages— sale of, by. Ords., Art. 41, Sec. 17....	1201
--	------

BUTCHERS AND PACKERS,

keeping of hogs. Ords., Art. 14, Sec 198,	865-866
---	---------

BUTTER AND LARD,

seizure by market clerks when short weight. Ords., Art. 23, Sec. 3....	919
--	-----

**BUTCHERS' CLOSETS IN
MARKETS,**

construction of; to be raised above pavement, penalty. Ords., Art. 23, Sec. 46,	932-3
--	-------

**BUTCHERS' STALLS AND
BENCHES,**

obstruction in use of. Ords., Art. 23, Sec. 47....	933
—regulating use of space in. Ords., Art. 23, Sec. 48,	933-4

**BUTTER MILK AND SKIM-
MILK,**

sale of, regulated, Ords., Art. 14, Sec. 59..	814
--	-----

**BUTTER, STANDARD
POUND,**

See "Markets."

**CABS AND HACKS IN
STREETS, ETC.,**

See "Vehicles."

CALVERT STREET,

vehicles; stands for prohibited. Ords., Art. 4, Sec. 39....	693
--	-----

CALVES IN MARKETS,

sales of, charges on, where to sell, proviso. Ords., Art. 23, Sec. 39..	931
—slaughtering of, minimum age for, penalty. Ords., Art. 23, Sec. 40..	931

CAMDEN STATION,

locomotives to be used in vicinity of. Ords., Art. 30, Sec. 13..	1019
--	------

	Page
CAMDEN STREET,	
vehicles; stands for pro-	
hibited.	
Ords., Art. 4, Secs. 32,	
33, 34 and 37.....	692-693
CANDIDATES FOR AP-	
POINTMENT AS POLICE,	
<i>See "Police Examiners."</i>	
CANDIDATES FOR TEACH-	
ING,	
examination of.	
Acts, Sec. 101.....	155
CANDY FACTORIES AND	
CONFECTIONERIES,	
analysts and inspectors for.	
Acts, Sec. 73.....	139
inspection of.	
Acts, Sec. 6.....	56
CANNING HOUSE REFUSE,	
contracts for removal of.	
Ords., Art. 36, Sec. 4.....	1141-2
CANTON AVENUE,	
locomotives to be used on.	
Ords., Art. 30, Sec. 13.....	1020
CANTON MARKET,	
provisions relating to.	
Ords., Art. 23, Secs. 70-	
72	940-941
CANS FOR GASOLINE, ETC.,	
domestic use, sales for.	
Ords., Art. 11, Sec. 78..	763
CAPIAS,	
<i>See "Courts."</i>	
return of by sheriff; indorse-	
ments thereon and re-issues.	
Acts, Sec. 333	277
CAR LICENSES,	
<i>See "Licenses."</i>	
annual license fee for.	
Ords., Art. 41, Sec. 18.....	1201
CARD PLAYING,	
fraud or cheating at; penalty.	
Ords., Art. 12, Sec. 1....	767

	Page
CARE OF PUMPS,	
owners to care for pumps.	
Ords., Art. 40, Sec. 34.....	1188
CARGOES INFECTED BY	
DISEASE,	
<i>See "Quarantine Hospital."</i>	
landing of prohibited; penal-	
ty.	
Ords., Art. 14, Sec. 166.	
.....	850-851
CARRIAGES,	
<i>See "Hackney Carriages and</i>	
<i>Coaches."</i>	
market houses, horses and	
carriages prohibited in,	
penalty.	
Ords., Art. 23, Sec. 32..	929
powers to license.	
power to regulate.	
Acts, Sec. 6.....	47
water charge for.	
Ords., Art. 41, Sec. 55.....	1218
CARRIAGES AND HORSES,	
Acts, Secs. 281-293.....	253-258
sales by auction.	
<i>(See "Auctioneers.")</i>	
penalties—one half to in-	
former and other half to	
dispensaries.	
Acts, Sec. 290.....	257
regulations by Mayor relat-	
ing to.	
Acts, Sec. 258	238
CARRIAGES, BOATS AND	
SCOWS,	
<i>See "Licenses;" "Water</i>	
<i>Rents" and "Vehicles."</i>	
Ords., Art. 4, Secs. 1-41	
.....	680-694
CARRIAGES, COACHES,	
ETC.,	
in streets.	
<i>(See "Vehicles.")</i>	
license for stable hire.	
Ords., Art. 41, Sec. 82....	1227
water rents for.	
Ords., Art. 41, Sec. 55....	1218

**CARRYING GUNPOWDER
THROUGH CITY,**

precautions.

Ords., Art. 11, Sec. 80.... 764

CARTS IN STREETS,*See "Vehicles."***CARS IN MOTION,**minors jumping on or off;
penalty; cost.

Ords., Art. 30, Sec. 10..1018

CARS IN STREETS,*See "Railroads and Rail-
ways."*Ords., Art. 30, Sec. 1....
.....1015-1018**CARS OF STEAM RAIL-
ROADS,***See "Railroads and Rail-
ways."*Ords., Art. 30, Sec. 1....
.....1015-1018**CARS OF STREET RAIL-
WAYS,**

licenses for; cost of.

Ords., Art. 41, Sec. 18..1201

CARTS OR VEHICLES,*See "Vehicles" and "Wood."*

power to license.

Acts, Sec. 6..... 47

power to regulate.

Acts, Sec. 6..... 47

CASKS AND LIQUORS,*See "Inspections, Weights
and Measures."***CATHEDRAL CEMETERY,**

opening streets through.

Acts, Sec. 6..... 82

**CATONSVILLE WATER
COMPANY,**

city to acquire rights of.

Acts, Sec. 6..... 93

procedure in acquisition of
its rights by city.

Acts, Sec. 6..... 93

CATTLE, ETC., AT LARGE,killing and seizure by any
one, lawful; penalty for
owner.

Ords., Art. 25, Sec. 9.... 963

CATTLE, HORSES, ETC.,driving on Sabbath pro-
hibited, penalty, proviso.

Ords., Art. 31, Sec. 1....1040

**CATTLE, SHEEP AND SWINE-
DRIVING THROUGH
STREETS,**Arlington avenue, Payson
street and Riggs avenue,
prohibited in territory
bounded by.

Ords., Art. 25, Sec. 14.. 965

Baltimore & Ohio Railroad
cattle pens, driving to
and from.Ords., Art. 25, Sec. 23,
.....966-67Baltimore street and public
squares unlawful on.Ords., Art. 25, Secs. 12,
16.....964-5Boundary avenue between
Madison and Greenmount
avenues, unlawful on.

Ords., Art. 25, Sec. 26.. 968

cattle not enroute to or
from points in city not to
be driven through streets,
penalty.

Ords., Art. 25, Sec. 23..966-7

—number of in single
drove limited, drivers
required.

Ords., Art. 25, Sec. 16.. 925

Centre street, between
Howard and Calvert
streets, unlawful on.

Ords., Art. 25, Sec. 27.. 968

Claremont Stock Yards,
streets used to and from.

Ords., Art. 25, Sec. 29.. 968

Conrad Hohman, special
permission to.

Ords., Art. 25, Sec. 21.. 966

days and hours for driving
sheep.

Ords., Art. 25, Sec. 12.. 964

drivers of cattle, number
required to drove.

Ords., Art. 25, Sec. 16.. 965

	Page
CATTLE, SHEEP, Etc. —(Cont'd).	
droves, distance apart in driving.	
Ords., Art. 25, Sec. 18.	966
—droves, head of cattle to, number of drivers.	
Ords., Art. 25, Sec. 16.	965
exception as to stock for shipment by water.	
Ords., Art. 25, Sec. 20.	966
finest for illegal driving.	
Ords., Art. 25, Sec. 19.	965
Fulton avenue between Baltimore street and Edmondson avenue, unlawful on.	
Ords., Art. 25, Sec. 31.	968
Gilmor street north of Lexington street, unlawful on.	
Ords., Art. 25, Sec. 25.	967
hogs not to stop or lie down, penalty.	
Ords., Art. 25, Sec. 22.	966
hogs and sheep, number to single drove, number of drivers required.	
Ords., Art. 25, Sec. 17.	965
Hohman, Conrad, special permission to.	
Ords., Art. 25, Sec. 21.	966
hours and season for driving cattle and hogs.	
Ords., Art. 25, Sec. 11.	964
Laurens street between Linden and Park avenues, unlawful on.	
Ords., Art. 25, Sec. 25.	967
McMechen street between Linden and Park avenues, unlawful on.	
Ords., Art. 25, Sec. 25.	967
milk cows and calves, between stables and pasturage or to shipping points, excepted.	
Ords., Art. 25, Sec. 28.	968
Mulberry street, between Charles and Greene streets, unlawful on.	
Ords., Art. 25, Sec. 31.	968-9
Payson street, Arlington and Riggs avenues, unlawful in territory bounded by.	
Ords., Art. 25, Sec. 14.	965
penalties for unlawful driving.	
Ords., Art. 25, Sec. 19.	965

	Page
CATTLE, SHEEP, Etc. —(Cont'd).	
—penalty for sheep on Baltimore street and public squares.	
Ords., Art. 25, Sec. 13.	964
pens in Baltimore County and on Pratt street, driving to and from.	
Ords., Art. 25, Sec. 24.	967
Pratt street, pens on, rights of owners of.	
Ords., Art. 25, Sec. 24.	967
Riggs and Arlington avenues and Payson street, unlawful in territory bounded by.	
Ords., Art. 25, Sec. 14.	965
Saratoga street, between Greene and Calvert streets, unlawful on.	
Ords., Art. 25, Sec. 30.	968
sheep—and hogs, maximum number in drove, number of drivers.	
Ords., Art. 25, Sec. 17.	965
—days and hours for driving.	
Ords., Art. 25, Sec. 12.	964
shipments of stock by water excepted.	
Ords., Art. 25, Sec. 20.	966
slaughter houses and shipping points, driving between, all other driving prohibited.	
Ords., Art. 25, Sec. 23,	
24.	966-67
State pens, driving to and from.	
Ords., Art. 25, Sec. 23,	
.....	966-67
Sunday, unlawful on, and on Baltimore street at any time.	
Ords., Art. 25, Sec. 15.	965
Wilkins avenue, between Bentalou and Gilmor streets, unlawful on.	
Ords., Art. 25, Sec. 31,	
.....	968-69
Wilson street, between Park and Linden avenues, unlawful on.	
Ords., Art. 25, Sec. 25,	967
Woodberry, hours for driving through.	
Ords., Art. 25, Sec. 31,	
.....	968-69

CANDIDATES,	Page
<i>See "Primary Elections."</i>	
App. C, Sec. 1.....	1270-1273
selection of, by primary elections.	
App. C, Sec. 1.....	1269-1275
CAUSES OF DEATH,	
coroner's certificate to state.	
Ords., Art. 14, Sec. 183, 860	
CEDAR AVENUE,	
tracks on, prohibited.	
Acts, Sec. 801.....	497
CELLAR DRAINERS,	
water charges for.	
Ords., Art. 41, Sec. 73..	1223
CELLARS, BASEMENTS, ETC.,	
<i>See "Health" and "Tenement Houses."</i>	
Acts, Sec. 6.....	52
Ords., Art. 14, Sec. 94..	826
construction, ventilation, (<i>See "Buildings."</i>)	
CEMETERIES,	
<i>See "Cathedral Cemetery."</i>	
CENTRE MARKET,	
provisions relating to.	
Ords., Art. 23, Secs. 73-74.....	941
CENTRE STREET,	
cattle driving through, prohibited.	
Ords., Art. 25, Sec. 27..	968
CERTIFICATES of,	
character.	
(<i>See "Police Examiners."</i>)	
counsel.	
<i>See "Courts."</i>	
disability of policemen.	
(<i>See "Special Police Fund."</i>)	
indebtedness.	
(<i>See "Police Commissioners."</i>)	

CERTIFICATES of,—(Cont'd).	Page
inspection.	
(<i>See "Inspection, Weights and Measures."</i>)	
licenses.	
(<i>See "Markets" sub-title "Licenses and Rents."</i>)	
Ords., Art. 23, Sec. 17....	924
pawnbrokers.	
(<i>See "Licenses" and "Pawnbrokers."</i>)	
Ords., Art. 41, Secs. 31, 32.....	1207-1208
payment of license fee for poles.	
Ords., Art. 41, Sec. 39....	1211
publication.	
(<i>See "Ordinances and Resolutions."</i>)	
publication.	
clerk to Commissioners for Opening Streets to preserve copies of.	
Acts, Sec. 173.....	190
pupils of schools; physicians to furnish; notice to principal.	
Ords., Art. 32, Sec. 35....	1056
schools and colleges.	
Art. 32, Secs. 11-14..	1047-1048
(<i>See "Schools" sub-title "Certificates, Diplomas and Prizes."</i>)	
taxes due.	
Acts, Sec. 58 A.....	131-132
title.—	
City Solicitor, from.	
Acts, Sec. 174.....	190
Stock,	
—bond for renewal when lost.	
Ords., Art. 34, Sec. 7..	1078-9
—consolidation of.	
Ords., Art. 34, Sec. 17....	1082
—form of.	
Ords., Art. 34, Sec. 1.....	1077
—issue of, conditioned on payment for.	
Ords., Art. 34, Sec. 3.....	1077
—lost or destroyed, renewal of.	
Ords., Art. 34, Secs. 5, 7.....	1078-1079
—sums in which issued.	
Ords., Art. 34, Sec. 2.....	1077

	Page
CESS-POOLS,	
<i>See "Health."</i>	
Ords., Art. 14, Sec. 145..	841, 842
CHAIRMAN,	
New Sewerage Commission.	
Acts, Sec. §824a.....	509
CHALLENGERS,	
<i>(See "Primary Elections.")</i>	
App. C, Sec. 1.....	1273
CHANCERY SALES,	
property sold under decrees.	
.....note	182
—report of to Appeal Tax Court.	
Acts, Sec. 165.....	182
CHANGES OF GRADES,	
<i>See "Streets and City Engineer" and "Topographical Survey."</i>	
damages for, in "Burnt District;" proviso.	
App. A, Sec. 35.....	1262
—fund from which to be paid.	
App. A, Sec. 36.....	1262, 1263
CHARCOAL,	
<i>See "Inspections, Weights and Measures."</i>	
—license for sale of, penalty.	
Ords., Art. 41, Sec. 19.....	1202
CHARCOAL MILLS,	
permit to erect; penalty.	
Ords. Art. 14, Sec. 72....	818
.....	819
CHARGES AGAINST POLICE,	
<i>See "Police Commissioners."</i>	
CHARGES FOR WATER,	
<i>See "Water Rents."</i>	
beyond city limits.	
Ords., Art. 41, Sec. 72....	1222
CHARITABLE INSTITUTIONS,	
water rents for.	
Ords., Art. 41, Secs. 58-61	1219
water rates to, basis for fixing, authority of Water Board.	
Ords., Art. 41, Sec. 66....	1220

	Page
CHARITABLE MARINE SOCIETY OF BALTIMORE,	
estates of mariners dying intestate.	
Acts, Sec. 703.....	429
rights of unaffected by Secs. 808-812 of Charter.	
Acts, Sec. 813.....	501
CHARITABLE PURPOSES,	
funds for.	
Acts, Sec. 2.....	42
CHARITIES,	
concerts for; licenses for unnecessary.	
Ords., Art. 41, Sec. 13....	1200
CHARITIES AND CORRECTIONS,	
<i>See "Charities, Supervisors of City."</i>	
Board of—membership; powers and duties of.	
Acts, Sec. 103.....	156
department of—composition and organization of.	
Acts, Sec. 103.....	156
department of—visitors of jail.	
Acts, Sec. 118.....	162
CHARITIES, SUPERVISORS OF CITY,	
almshouse, superintendent of, appointment.	
Acts, Sec. 113.....	161
annual report to city.	
Acts, Sec. 104.....	157
authority to procure machinery, etc.	
Acts, Sec. 110.....	160
board of, appointment.	
Acts, Sec. 104.....	156
certificate as to fitness of indigent poor.	
Acts, Sec. 105	158
charities and corrections, first sub-department of.	
Acts, Sec. 104.....	159

	Page
CHARITIES, Etc.—(Cont'd).	
children in institutions, care of. Acts, Sec. 107.....	159
children placed with fami- lies to visit. Acts, Sec. 107.....	159
children, removal or dis- charge from institutions. Acts, Sec. 107.....	159
commitment of destitute children; powers of super- visors in relation thereto; summons and inquiry. Acts, Sec. 107.....	159
correction of disorderly in- mates of almshouse. Acts, Sec. 112.....	160
destitute and neglected chil- dren; care of. Acts, Sec. 107.....	159
duties of. Acts, Sec. 104.....	157
indigent and insane poor, treatment outside alms- house. Acts, Sec. 106.....	158
meet at almshouse, to meet five times a year. Acts, Sec. 111.....	160
offenders—Sections 104 to 116 not to apply to. Acts, Sec. 117.....	162
paupers, admission of to almshouse. Acts, Sec. 108.....	160
president, secretary, salary. Acts, Sec. 104.....	157
provision for support, treat- ment and employment of paupers. Acts, Sec. 109.....	160
provisions, purveyor of; ap- pointment. Acts, Sec. 115.....	161
purveyor of provisions to almshouse, bond of. Acts, Sec. 116.....	162
qualifications. Acts, Sec. 104.....	157

CHARITIES, Etc.—(Cont'd).	Page
subordinates. Acts, Sec. 104.....	157
term of office. Acts, Sec. 104.....	156
CHARLES STREET,	
vehicles; stands for prohibit- ed. Ords., Art. 4, Secs. 30-40	690-691
CHECKS,	
accompanying bids, to be cer- tified. Acts, Sec. 15.....	99
CHECKS OF CITY,	
by whom to be signed and countersigned. Acts, Sec. 20 A	101
Comptroller to approve and countersign. Ords., Art. 6, Sec. 4.....	699-700
CHEESE,	
license for sale of; penalty. Ords., Art. 41, Sec. 16	1200-1201
CHEMICAL LABORATO- RIES,	
Acts, Sec. 493	321
CHEMISTS,	
<i>See "Health" and "Foods and Food Products."</i> Ords., Art. 14, Sec. 61	814-815
CHESAPEAKE AND POTO- MAC TELEPHONE COM- PANY,	
<i>See "Electrical Commission and Subways."</i> Ords., Art. 9, Secs. 19-24	724-727
conduits of, police and fire alarm wires in. Ords., Art. 11, Sec. 35.....	749
rights of, unaffected; Ordinance 41, 1889. Acts, Sec. 6.....	82

	Page		Page
CHESAPEAKE BAY,		CHILDREN AND WIDOWS	
pollution of by sewerage sys- tem prohibited.		OF POLICEMEN,	
Acts, Sec. §824d.....	511	<i>See "Special Police Fund."</i>	
river and harbor fund; report of City Register.		CHILDREN EXCLUDED	
Ords., Art. 2, Sec. 1.....	589	FROM SCHOOLS,	
		contagious diseases, suffering from.	
CHIEF CLERKS OF CITY		Ords., Art. 32, Sec. 37..	1057
COUNCIL,		CHILDREN OF CONVICTS,	
<i>See "City Council."</i>		binding out by court; age limit for males and females.	
CHIEF CLERK OF SECOND		Acts, Sec. 345.....	279
BRANCH,		CHILDRENS' PLAYGROUND	
printing; orders for to be kept on file by.		ASSOCIATION,	
Ords., Art. 29, Sec. 3..	1008-09	contract with Mayor; provi- sions of.	
CHIEF ENGINEER,		Ords., Art. 14, Sec. 128	
New Sewerage System; ap- pointment of.		.....	835-836
Acts, Sec. §824d.....	511	CHILDREN'S PLAY-	
CHIEF ENGINEER OF FIRE		GROUND,	
DEPARTMENT,		Acts, Sec. §493a.....	321
<i>See "Fire Department."</i>		CHIMNEYS,	
CHIEF ENGINEER TOPO-		smoke from; proviso.	
GRAPHICAL SURVEY,		Ords., Art. 14, Sec. 123..	833
<i>See "Topographical Survey."</i>		sweeping, and rates thereof.	
appointment, compensation and duties of.		Acts, Sec. 6	48
Ords., Art. 39, Sec. 4...	1173	width of—power to regulate.	
CHIEF PHYSICIAN OF PO-		Acts, Sec. 6	48
LICE FORCE,		CHIMNEYS, FLUES AND	
<i>See "Police Commissioners."</i>		HEATING APPARATUS,	
CHILDREN,		<i>See "Buildings."</i>	
destitute and neglected, care of.		Ords., Art. 3, Secs. 23-43	
Acts, Sec. 107.....	159	.....	607-613
playgrounds for; provisions.		inspection of, (<i>See "Inspector of Buildings" sub-title "Inspection of Hot Air Furnaces and Heating Apparatus."</i>)	
Ords., Art. 14, Sec. 128		Ords., Art. 3, Secs. 23-43	
.....	835-836	.....	607-613
vaccination of.		CHURCHES,	
Ords., Art. 14, Sec. 24....	804	water rates to; other religious corporations.	
CHILDREN AND MINORS,		Ords., Art. 41, Sec. 62....	1220
sale by, (<i>See "Larceny."</i>)		water rents for.	
		Ords., Art. 41, Sec. 62....	1220

	Page
CIRCUIT COURT No. 2,	
Acts, Secs. 325, 327, 370, 371, 372, 374, 375, 376, 379, 380, 382, 387, 388, 389.	
Pages, 274, 275, 287, 288, 289, 290, 292, 293, 294.	
powers and jurisdiction of.	
Acts, Sec. 325.....	274
CIRCUIT COURT OF BAL- TIMORE CITY,	
Acts, Secs. 323, 324, 327A, 370, 371, 372, 374, 375, 376, 379, 380, 382, 387, 388, 389.	
Pages 273, 274, 275, 287, 288, 289, 290, 292, 293, 294.	
jurisdiction of, note.....	273
jury in cases in.	
Acts, Sec. 323.....	273
opinions not required to be filed.	
Acts, Sec. 324.....	274
CIRCULARS FOR CON- SUMPTIVES,	
information given in.	
App. B, Sec. 3.....	1267
CIRCUS,	
license for, penalty.	
Ords., Art. 41, Sec. 7,	1197-1198
CIRCUS PERFORMERS,	
protecting net for trapeze.	
Ords., Art. 25, Secs. 103-04	992-993
CITY BUILDINGS,	
Inspector of Buildings to re- pair.	
Ords., Art. 3, Sec. 10....	603
CITY CHARITIES,	
<i>See "Charities, Supervisors of City."</i>	
CITY CHARTER,	
effect of, on Acts 1898.	
Acts, Sec. 3.....	565

	Page
CITY CHARTER—(Cont'd).	
provisos limiting operation and effect of.	
Acts Secs. 2-4.....	564-566
—existing laws.	
Acts, Sec. 3.....	565
—extra-territorial rights of city.	
Acts, Sec. 3.....	565
—incumbents in office at pas- sage of Charter.	
Acts, Sec. 4.....	566
—pending suits.	
Acts, Sec. 2.....	565
—repealable acts.	
Acts, Sec. 2.....	564
—taxes or tax proceedings.	
Acts, Sec. 2.....	565
—vested rights.	
Acts, Sec. 2.....	564

CITY CLAIMS,

See "Claims against City."

CITY COLLECTOR,

*See "Appeal Tax Court;"
"Assessments;" "Assess-
ments for Taxes;" "Bene-
fits;" "Condemnation of
Property;" "Damages;"
"Grading, Paving, etc.,
Streets;" "Opening, Clos-
ing, etc., Streets;" "Sales;"
Taxes" and "Tax Sales."*

account of taxes collected;
record of assessments and
accounts of taxpayers.
Ords., Art. 38, Sec. 25....

Advertisement,

—notice when taxes due.
Acts, Sec. 51..... 128
—property to be sold for taxes.
Acts, Sec. 43..... 123
—sales of chattels.
Acts, Sec. 49..... 127
appointment, salary.
Acts, Sec. 42..... 122
assignment to, of damages
assessed in sewer condem-
nations.
Ords., Art. 33, Sec. 5..... 1062
assistants and clerks.
Acts, Sec. 42..... 122

CITY COLLECTOR—(Cont'd). Page

Advertisements —(Cont'd).	
bailiffs of—to receive per centum on bills collected.	
Ords., Art. 38, Sec. 24.....	1165
benefits in street opening, closing, etc., bills for.	
Acts, Sec. 181.....	198
bills for taxes, to render by mail.	
Acts, Sec. 51.....	128
bond of; conditions in.	
Ords., Art. 38, Sec. 22.....	1163
certificate of City Solicitor required before balance of purchase money of sale for taxes or damages assessed are paid.	
Ords., Art. 38, Sec. 31.....	1167, 1168
certificates of, to be evidence of taxes due.	
Acts, Sec. 58A.....	131, 132
chattels sold for taxes.	
Acts, Sec. 49.....	127
—application of proceeds.	
Acts, Sec. 50.....	127
collection of benefits assessed by Burnt District Commission.	
App. A, Secs. 13-16.....	1250-1252
collection of taxes, change in office during.	
Acts, Sec. 51A.....	128
damages in street opening, —assignment of.	
Acts, Sec. 174.....	190
death, resignation, removal or suspension of.	
Ords., Art. 38, Sec. 26.....	1165
Deeds,	
—property sold for taxes.	
Acts, Sec. 45.....	124
—property purchased by city at tax sales.	
Ords., Art. 38, Sec. 35.....	1168-1169
deposit in banks of moneys collected.	
Ords., Art. 38, Sec. 26.....	1165

CITY COLLECTOR—(Cont'd). Page

distrain not required for taxes in arrear.	
Acts, Sec. 51.....	128
duties of.	
Acts, Sec. 42.....	122
Ords., Art. 38, Sec. 22.....	1163, 1164
—succeeding collector, relating to collection of taxes.	
Acts, Sec. 51A.....	129
Finance,	
—official of department of.	
Acts, Sec. 32.....	110
Jurors,	
—list of taxpayers eligible as; compensation of.	
Acts, Sec. 603.....	360
—list of property sold for taxes to be kept for inspection of public.	
Ords., Art. 38, Sec. 30.....	1167
Notice,	
—of paving assessments, etc., in arrears.	
Ords., Art. 38, Sec. 29.....	1167
—of tax sales.	
Acts, Sec. 42.....	122
—to parties assessed in sewer openings.	
Ords., Art. 33, Sec. 10.....	1069
owner may redeem property sold for taxes.	
Acts, Sec. 47.....	125
police tax; collection of same.	
Acts, Sec. 747.....	459
redemption of property sold for taxes.	
Acts, Sec. 45.....	125
Re-sales for Taxes,	
—duties relating to.	
Acts, Sec. 48.....	126
—proceeds of.	
Acts, Sec. 48.....	126
salary of.	
Ords., Art. 38, Sec. 23.....	1164
Sales for Benefits,	
—sewer opening; conditions of sales; re-sale.	
Ords., Art. 33, Sec. 12.....	1069

CITY COLLECTOR—(Cont'd).

Sales for Benefits—(Cont'd).	Page
—sewer opening; deed to purchaser.	
Ords., Art. 33, Sec. 13.....	1070
—property assessed in street opening, procedure.	
Acts, Sec. 183.....	199
—property assessed in street opening, etc., proceeds of.	
Acts, Sec. 182.....	199
—sewer opening, sale of property.	
Ords., Art. 33, Sec. 11.....	1069

Sales for Taxes,

—effect on, of change in office of Collector.	
Acts, Sec. §45a, §45b.....	124
—fee simple interest—when to be sold.	
Ords., Art. 38, Sec. 28.....	1156
—leasehold interest to be sold first.	
Ords., Art. 38, Sec. 28.....	1166
—investment of surplus from in public debt.	
Acts, Sec. 46.....	124
—report to Circuit Court.	
Acts, Sec. 48.....	126
state taxes; to collect same.	
Acts, Sec. 58.....	131
subordinates of; salary list; City Collector to be responsible for acts of under his bond.	
Ords., Art. 38, Sec. 23.....	1164, 1165
tax bills to be prepared by.	
Acts, Sec. 42.....	122
taxes in arrears; statement of to be left at premises.	
Acts, Sec. 43.....	123
—on real and personal property to be kept separate.	
Ords., Art. 38, Sec. 27.....	1166

Tax Sales.

—collection of costs, etc.	
Acts, Sec. 44.....	123
—disposition of purchase money.	
Acts, Sec. 45.....	124

CITY COLLEGE, Page

diplomas to graduates of.	
Ords., Art. 32, Sec. 11.....	1047
fees for tuition of non-resident pupils in	
Ords., Art. 32, Sec. 34.....	1055
principal of—appointment of.	
Acts, Sec. 100.....	153
to sign diplomas.	
Ords., Art. 32, Sec. 11.....	1047
professors of — appointment of.	
Acts, Sec. 100.....	153

CITY COUNCIL,

See "*Corporate Powers.*"
"Mayor," "Ordinances and Resolutions" and "Public Printer."

absence of members—excuse therefor to be transmitted to his branch; penalty.	
Ords., Art. 1, Sec. 16.....	576
—penalty therefor.	
Ords., Art. 1, Sec. 14.....	576
—collection of fines imposed therefor.	
Ords., Art. 1, Sec. 15.....	576
adjournment of branches.	
Ords., Art. 1, Sec. 17.....	577
appropriations for fiscal year subsequent to Ordinance of Estimates prohibited.	
Acts, Sec. 36.....	116
attendance of members, compelling.	
Acts, Sec. 217.....	215
branches of to constitute legislative department.	
Acts, Sec. 209.....	211
chief clerks; duties of; to deliver to City Register journals, petitions, messages, etc., at close of session; penalty.	
Ords., Art. 1, Sec. 19.....	577

CITY COUNCIL—(Cont'd).

chief clerk to notify Mayor
of action of joint conven-
tion of.

Ords., Art. 1, Sec. 31..... 581

City Register's annual re-
port to.

Ords., Art. 6, Sec. 23..... 706

—financial report to.

Ords., Art. 6, Sec. 23..... 706

claims before council—
when limitations a bar.

Ords., Art. 1, Sec. 32..... 581

clerk Second Branch to be
chief clerk when two
branches are in conven-
tion.

Ords., Art. 1, Sec. 31..... 581

clerks to council—duties of.

Ords., Art. 1, Secs. 19-31
.....577-581

decisions of Court of Ap-
peals relating to power of
Mayor and City Council.

.....216-225

electors of members, quali-
fications of.

Acts, Sec. 215..... 214

expenditures of council;
legitimate items of ex-
pense.

Ords., Art. 1, Sec. 33..... 581

Expenses of,

—bills to be referred to special
or standing committees
for report; manner of
payment of claims ap-
proved by committees.

Ords., Art. 1, Sec. 35..... 582

—payment to be authorized
by ordinance or resolu-
tion only.

Ords., Art. 1, Sec. 34..... 582

expulsion of members.

Acts, Sec. 217..... 215

First Branch,

—election for members.

Acts, Sec. 212..... 213

CITY COUNCIL—(Cont'd).**First Branch—(Cont'd).**

—incumbent to hold office un-
til successor qualifies.

Acts, Sec. 212..... 213

—one member from each
ward.

Acts, Sec. 210..... 212

—qualifications of members.

Acts, Sec. 210..... 212

—qualifications of electors.

Acts, Sec. 212..... 213

—President, duties.

Acts, Sec. 217..... 215

—salaries.

Acts, Sec. 210..... 212

—term of office of members.

Acts, Sec. 210..... 212

grading, paving, etc., ordi-
nance—duties of joint
standing committees.

Ords., Art. 35, Sec. 90.....1125

journal from public printer
to be revised by clerks
and delivered to City
Register; to be bound by
City Register; to be pre-
served in City Library.

Ords., Art. 1, Sec. 22..... 578

—when printed and certified
by clerks to be evidence
of proceedings of council.

Ords., Art. 1, Sec. 22..... 578

—of proceedings.

Acts, Sec. 217..... 215

—petitions and messages to
be delivered to City
Register — penalty
against clerks,

Ords., Art. 1, Sec. 19..... 577

McDonogh Institute; in-
spection of.

Ords., Art. 22, Sec. 8..... 911

Maryland Institute; mem-
bers to appoint pupils to.

Ords., Art. 32, Sec. 29.....1053

members not to hold other
city office or employment.

Ords., Art. 1, Sec. 18..... 577

officers of; each branch to
appoint; compensation.

Acts, Sec. 217..... 215

ordinances, amendment, re-
enactment, etc.

Acts, Sec. 221..... 218

CITY COUNCIL—(Cont'd).	Page
Ordinances and Resolutions,	
Acts, Sec. 23.....	102,103,104
—certificate to be attached by clerk.	
Ords., Art. 1, Sec. 30....	580
—copies of to be sent to heads of departments by City Register.	
Ords., Art. 1, Sec. 25.....	578-579
—deposit of printed ordinances in City Library.	
Ords., Art. 1, Sec. 27....	579
—engrossed ordinances to be bound, labelled and indexed.	
Ords., Art. 1, Sec. 24....	578
—engrossment before third reading.	
Acts, Sec. 221.....	219
—how to be engrossed.	
Ords., Art. 1, Sec. 23....	578
—ordaining phrase.	
Acts, Sec. 220.....	217
—proofs of, from Public Printer, to be examined by City Register.	
Ords., Art. 1, Sec. 27....	579
—publication of by City Register.	
Ords., Art. 1, Sec. 27....	579
—State Library and Bar Library to receive each two copies, and Peabody Institute one copy of.	
Ords., Art. 1, Sec. 26....	579
—embrace but one subject.	
Acts, Sec. 221.....	217
—vote necessary to pass.	
Acts, Sec. 221.....	217
Ordinance of Estimates,	
—special meeting on.	
Acts, Sec. 36.....	115
papers to be endorsed and filed by clerks of.	
Ords., Art. 1, Sec. 20....	577
penalty against members for being absent.	
Ords., Art. 1, Sec. 14,....	576
collection of fines incurred by absent members.	
Ords., Art. 1, Sec. 15....	576
powers of Second Branch, note.	
Acts, Sec. 218.....	215

CITY COUNCIL—(Cont'd).	Page
power to pass ordinances.	
Acts, Sec. 218.....	215
President of First Branch, duties, when to act as Mayor.	
Acts, Sec. 217.....	215
president of Second Branch, election of, on vacancy in office of Mayor.	
Acts, Sec. 222.....	219
—removal of.	
Acts, Sec. 214.....	214
primary election for members of.	
App. C, Sec. 2.....	1275-1276
procedure when ordinances and resolutions are vetoed by Mayor.	
Acts, Sec. 23.....	102-104
Public Printer—printing of proceedings and other papers.	
Ords., Art. 1, Sec. 21....	577
qualifications of members—each Branch judges of.	
Acts, Sec. 217.....	215
Reading Clerk of First Branch; his duties relating to ordinances and resolutions originating in First Branch; endorsements on ordinances, etc.; messages and communications; other duties.	
Ords., Art. 1, Sec. 29....	580
reading ordinances, proviso.	
Acts, Sec. 221.....	218
rules of procedure, each Branch adopt.	
Acts, Sec. 217.....	215
Second Branch,	
—councilmanic districts, two members from each.	
Acts, Sec. 211.....	212
—election for, when held.	
Acts, Sec. 213.....	213
—membership, nine.	
Acts, Sec. 211.....	212

	Page
CITY COUNCIL—(Cont'd).	
Second Branch—(Cont'd).	
—president of, duties, qualifications, election, removal, salary, term of office.	
Acts, Sec. 214.....	213
—qualifications of members.	
Acts, Sec. 211.....	212
—salary.	
Acts, Sec. 211.....	212
—term of office.	
Acts, Sec. 211.....	212
sessions of, extra sessions.	
Acts, Sec. 216.....	214
sessions to be public.	
Acts, Sec. 217.....	215
subject of ordinances to be described in title.	
Acts, Sec. 221.....	218
temporary loans, not to authorize.	
Acts, Sec. 36.....	116
vacancies in, how filled.	
Acts, Sec. 215.....	214
vote by yeas and nays on final passage of ordinances.	
Acts, Sec. 221.....	217
CITY COURT,	
<i>See "Justices of the Peace."</i>	
appeals from assessments of taxes triable in.	
Acts, Sec. 170.....	184-187
—in B. D. assessments.	
App. A, Sec. 12.....	1248-1249
—from decisions of Commissioners for Opening Streets.	
Acts, Sec. 177.....	195
record of Appeal Tax Court; duty of Court relating to.	
Acts, Sec. 170.....	186
tax assessments—when increased by.	
Acts, Sec. 170.....	187
CITY'S DEBT,	
interest on, payment of.	
Ords., Art. 34, Sec. 10.....	1079
CITY DOCK DRAWBRIDGE,	
vessels to stop on notice from keeper, penalty.	
Ords., Art. 18, Sec. 5.....	890

	Page
CITY ENGINEER,	
<i>See "Assessments;" "Benefits;" "Condemnation of Property;" "Damages;" "Grade Lines of Streets;" "Grades of Streets;" "Grading, Paving, etc., Streets;" "Streets, Bridges and Highways;" "Streets and City Engineer;" "Sewers."</i>	
absence of, delegation of authority.	
Acts, Sec. 86A.....	145
Annex Improvement Commission of.	
Acts, Sec. §841b.....	531-532
appointment, duties, qualifications, salary, powers.	
Acts, Sec. 86.....	144
Burnt District, powers relating to.	
App. A, Sec. 31.....	1259-1260
City Surveyor to perform duties under direction of.	
Ords., Art. 37, Sec. 2.....	1148
dirt, lumber, etc., in streets, removal at expense of owner or offender.	
Ords., Art. 25, Sec. 73.....	981
fires in streets, conditions of, permit for.	
Ords., Art. 25, Sec. 75.....	983
grades of streets, notify City Surveyor of changes, ("See Streets, Bridges and Highways," and "Streets and City Engineer.")	
Jones' Falls, prevent obstruction of.	
Ords., Art. 18, Sec. 1.....	888
landmarks placed in streets by, penalty for injury to.	
Ords., Art. 25, Sec. 56.....	976
member of Board of Commissioners for Opening Sewers.	
Ords., Art. 33, Sec. 1.....	1060
notice by before improved paving is laid.	
Acts, Sec. 86B.....	146

	Page
CITY ENGINEER—(Cont'd).	
Paving Commission, chief engineer of.	
Acts, Sec. §841m.....	538
Paving Commission, duties not affected by.	
Acts, Sec. §841s	544
pavements, protection of improved.	
Acts, Sec. 86B.....	145
paving of streets, etc., opened by water board.	
Ords., Art. 40, Sec. 27.....	1186
permits for tearing up improved pavements.	
Acts, Sec. 86C.....	146
public improvements, member and president of Board of.	
Acts, Sec. 84.....	143
sewer construction, to furnish plans and specifications for contracts.	
Ords., Art. 33, Sec. 22.....	1073
sewers, direct cleaning of by Commission of Street Cleaning.	
Ords., Art. 36, Sec. 2.....	1140
	1141
subordinates, appointment of, compensation of, how fixed.	
Acts, Sec. 86.....	145
survey for sewers and superintendent of construction.	
Ords., Art. 33, Sec. 21.....	1073
tapping sewers, permit for, penalty.	
Ords., Art. 33, Sec. 23.....	1073
tapping of sewers in connection with drainage of cess-pools.	
Ords., Art. 14, Sec. 145..	841
	842
trees obstructing streets, removal of.	
Ords., Art. 25, Sec. 107..	994
vaults and areas, notice to conform to permit.	
Ords., Art. 3, Sec. 160....	661
Water Board to pave streets on notice from.	
Ords., Art. 40, Sec. 29....	1187

CITY HALL, Page

Superintendents of Public Buildings, to have charge of.	
Acts, Sec. 207.....	209

CITY HALL AND ANNEX,	
employees in, salaries.	
Ords., Art. 28, Sec. 2.....	1005

CITY LIBRARIAN,	
<i>See "Librarian."</i>	

CITY LIMITS,	
water furnished outside; charges for.	
Ords., Art. 41, Sec. 72,	
.....	1222-1223

CITY LOANS,	
list of holders of, to be furnished to City Register.	
Acts, Sec. 152.....	174

CITY OFFICERS,	
<i>See under titles of various municipal officials and city departments.</i>	

CITY OFFICIALS,	
Comptroller may examine accounts of; to report thereon.	
Ords., Art. 6, Secs. 2-3..	699
—may require accounting from.	
Ords., Art. 6, Sec. 3.....	699
floating debt, prohibited.	
Acts, Sec. 40.....	120

CITY PASSENGER RAILWAYS,

See "United Railways and Electric Company;" "Railroads and Railways,"

all-night cars; lines on which cars are to be run.	
Ords., Art. 30, Sec. 22....	1022-23

	Page
CITY PATIENTS,	
See " <i>Charities, Supervisor of City.</i> "	
death of, burial of, etc.	
Ords., Art. 16, Sec. 9, 11,	
.....	871-2
maintenance and treatment,	
report on.	
Ords., Art. 16, Sec. 8....	871

CITY PROPERTY,

See "*Property.*"

CITY REGISTER,

See "*Assessments,*" "*Assessments for Taxes,*" "*Benefits,*" "*Condemnation of Property,*" "*Damages,*" "*Opening, Closing, Etc., Streets,*" "*Sales*" and "*Taxes.*"

absence or sickness of.	
Ords., Art. 6, Sec. 21....	705
advertisements—deposit of	
proceedings of Commissioners	
for Opening Streets.	
Acts, Sec. 177.....	195
—list of licensed pawnbrokers.	
Ords., Art. 41, Sec. 35....	1209
—newspapers; payment of;	
certificate required before	
payment; discounts.	
Ords., Art. 1, Sec. 28, 579-580	
aliens, per capita tax on, in	
lieu of bond.	
Acts, Sec. 524.....	333
alphabetical list of streets,	
lanes, alleys, etc.	
—copies to be kept in City	
Register's Office and in	
office of Clerk of Superior	
Court,	
Ords., Art. 6, Sec. 28....	707
—new and old names to be	
given therein,	
Ords., Art. 6, Sec. 28....	707
annual report to City Coun-	
cil.	
Ords., Art. 6, Sec. 23....	706
appointment of.	
Acts, Sec. 35.....	112

	Page
CITY REGISTER—(Cont'd).	
appointments of officers of	
corporation—to keep record	
of.	
Ords., Art. 6, Sec. 23....	705
assignment of damages as-	
sessed in sewer condemna-	
tions.	
Ords., Art. 33, Sec. 5....	1062
—in opening, etc., streets.	
Acts, Sec. 174.....	190
authority and duties of.	
Acts, Sec. 35.....	112
bills or orders for public im-	
provements; when to be	
paid by.	
Ords., Art. 6, Sec. 5....	700
Board of Awards, to be mem-	
ber of.	
Acts, Sec. 15.....	99
bond of; approval of; Mayor	
to be custodian of.	
Ords., Art. 6, Sec. 19....	704
books and papers of Commis-	
sioners for Opening Streets,	
deposit with.	
Acts, Sec. 192.....	202
cases cited.	
Acts, Sec. 35.....	113
certified copies of public pa-	
pers to be furnished; to	
make searches of records;	
charges for same.	
Ords., Art. 1, Sec. 48....	587
certificate of investment of	
sums due as damages in	
street openings.	
Acts, Sec. 185.....	200
—of payment of benefits as-	
sessed in street opening.	
Acts, Sec. 186.....	200
—of stock, issue of duplicates	
when lost, etc.	
Ords., Art. 34, Secs. 6-7,	
.....	1078-79
checks to be signed by.	
Acts, Sec. 20A.....	101
city moneys; to be custodian	
of.	
Ords., Art. 6, Sec. 23....	705

	Page
CITY REGISTER—(Cont'd).	
claims against city; payment of, by.	
Ords., Art. 6, Sec. 23....	706
Commissioners for Opening Streets, expenses of.	
Acts, Sec. 191.....	202
corrected list of holders of city loans.	
Acts, Sec. 152.....	174
cost of burial of city insane.	
Ords., Art. 16, Sec. 9....	872
deposit of city moneys.	
Ords., Art. 6, Sec. 23....	705
Deputy Register.	
Acts, Sec. 35.....	112
—bond and oath of.	
Ords., Art. 6, Sec. 20....	705
—duties of.	
Ords., Art. 6, Sec. 20....	704-705
—to act in absence of City Register.	
Ords., Art. 6, Sec. 21....	705
disbursements by; record of.	
Ords., Art. 6, Sec. 23....	706
duties of.	
Ords., Art. 6, Sec. 23....	705-706
—in appeals in opening, etc., sewers.	
Ords., Art. 33, Sec. 9....	1067-68
Electrical Commission, member of, ex-officio.	
Ords., Art. 9, Sec. 1....	718
—sworn statement of, monthly.	
Ords., Art. 9, Sec. 15....	723
expenses—in assessment of damages, etc., in opening, etc., streets—payment of.	
Acts, Sec. 175.....	191
—of Burnt District Commission—payment of.	
App. A, Sec. 22....	1253-1254
fees—collected by; accounting of.	
Ords., Art. 6, Sec. 27....	707
—of keepers of weights, etc., division of among; report to Council.	
Ords., Art. 17, Sec. 22..	883

	Page
CITY REGISTER—(Cont'd).	
finance, official of department of.	
Acts, Sec. 32.....	110
financial report to City Council by.	
Ords., Art. 6, Sec. 23....	706
fines, forfeitures and penalties from J.P's—accounting.	
Acts, Sec. 644.....	386
—remitted by Mayor, list of.	
Ords., Art. 10, Sec. 6....	730
holders of city stock, to make list of.	
Ords., Art. 34, Sec. 4....	1078
immigrants, per centum of monies collected thereunder.	
Acts, Sec. 530.....	336
interest on deposits of city funds.	
Ords., Art. 6, Sec. 23, 705-706	
Jones' Falls, removing obstructions from, expense of.	
Ords., Art. 18, Sec. 1....	888
journals, petition, memorials, etc. of City Council branches; custodian of.	
Ords., Art. 1, Sec. 19....	577
jurors, per diem of.	
Acts, Sec. 621.....	373
lists of holders of city loans to be furnished to Appeal Tax Court.	
Acts, Sec. 151.....	173
Maryland Institute; contract with; report of president of; inspection of.	
Ords., Art. 32, Secs. 28, 30, 31.....	1053-4
Mayor to audit accounts of.	
Ords., Art. 6, Sec. 23....	706
method of paying claims against city to be followed by.	
Ords., Art. 6, Sec. 29....	708
and note.....	708-709
nuisances, costs assessed against owners for removal of.	
Ords., Art. 14, Sec. 85..	823

	Page
CITY REGISTER—(Cont'd).	
obstruction in streets, expenses of removal of.	
Acts, Sec. 189.....	201
office hours of.	
Ords., Art. 6, Sec. 25....	706
—of sub-department on Tuesday and Fridays.	
Ords., Art. 6, Sec. 30....	709
and note	708-709
office papers and records not to be removed.	
Ords., Art. 1, Sec. 48....	587
opening, etc., streets, (<i>See "Commissioners for Opening Streets."</i>)	
Acts, Sec. 179.....	196
—advertisement of proceedings.	
Acts, Sec. 177.....	195
Ordinances and Resolutions; copies to be sent to heads of departments.	
Ords., Art. 1, Sec. 25, 578-579	
—publication of, by.	
Ords., Art. 1, Sec. 27....	579
per diem of Commissioners for Opening Streets and clerk.	
Acts, Sec. 190.....	201
proceedings in opening, etc., streets production of, to City Court.	
Acts, Sec. 179.....	196
—in sewer openings to be filed with, notice of to persons affected.	
Ords., Art. 33, Sec. 8..	1065-6
—of Commissioners for Opening Streets, deposit with.	
Acts, Sec. 177.....	195
proofs of ordinances, etc., to be examined by.	
Ords., Art. 1, Sec. 27....	579
Quarantine Hospital; fines to be credited to.	
Ords., Art. 14, Sec. 178	858
removable at pleasure of Council.	
Acts, Sec. 35.....	112

	Page
CITY REGISTER—(Cont'd).	
return of Commissioners for Opening Streets.	
Acts, Sec. 181.....	198
sales for taxes, custodian of residue from.	
Acts, Sec. 45.....	124
—investment of surplus from in public debt.	
Acts, Sec. 46.....	124
seal of city; when to be furnished free.	
Ords., Art. 1, Sec. 51....	588
state tax on city loans to be deducted from interest thereon.	
Acts, Sec. 153.....	174
stock certificates; form, amount, issue, transfer, etc.	
Ords., Art. 34, Secs. 1-4	1077-8
—clerk; to be clerk to Board of Awards.	
Ords., Art. 6, Sec. 26.....	707
subordinates of; salaries of.	
Ords., Art. 6, Sec. 26.....	707
successor to give bond.	
Ords., Art. 6, Sec. 22.....	705
superseded judgments for fines, to collect by execution.	
Ords., Art. 10, Sec. 5.....	730
supervise and direct City Librarian.	
Acts, Sec. 196	203
temporary loans by, authorized.	
Ords., Art. 6, Sec. 24....	706
Topographical Survey Commission, member of.	
Acts, Sec. 840.....	529
Ords., Art. 39, Sec. 3 ...	1173
unsafe building, payment of cost of removal of.	
Ords., Art. 3, Sec. 151....	658
vacancy in office of.	
Acts, Sec. 35.....	112
void ordinance for opening, etc. streets, duty in.	
Acts, Sec. 180.....	198

	Page
CITY SOLICITOR,	
See " <i>Conveyances</i> ;" " <i>Deeds and Leases</i> ;" " <i>Law Department</i> ;" " <i>Legal Instruments</i> " and " <i>Suits</i> ."	
appeals in suits to which city is a party to be taken on his order.	
Acts, Sec. 66.....	136
appointment, qualifications and salary.	
Acts, Sec. 61.....	133
Assistant City Solicitor,	
—condemnation of property for city purposes; duties of assistant in relation to titles, etc.	
Ords., Art. 5, Sec. 2.....	695
—deeds, etc., to city to be approved by.	
Ords., Art. 5, Sec. 1.....	695
—examination of titles by.	
Acts, Sec. 62.....	134
—further duties relating to titles.	
Ords., Art. 5, Sec. 2.....	696
—reports of titles in appeals from Commissioners for Opening Streets.	
Ords., Art. 5, Sec. 2.....	696
—titles involved in municipal litigation; duties of assistant relating to.	
Ords., Art. 5, Sec. 2.....	696
assistants of; appointment of.	
Acts, Sec. 62.....	133
—salaries of.	
Acts, Sec. 62.....	134
Board of Awards, to be member of.	
Acts, Sec. 15.....	99
Board of Estimates, to be member of.	
Acts, Sec. 36.....	113
cases cited, note.....	134
certificate as to claimants for damages assessed, etc.	
Ords., Art. 38, Sec. 31.....	1167-1168
clerk, stenographer and typewriter of.	
Acts, Sec. 65.....	135

	Page
CITY SOLICITOR—(Cont'd).	
Clerk to,	
Acts, Sec. 65.....	135-136
—compensation and duties of clerk.	
Acts, Sec. 65.....	135
—custodian of law department.	
Acts, Sec. 65.....	135
—docket of pleadings and suits to be kept.	
Acts, Sec. 65.....	136
—law books of city to be preserved.	
Acts, Sec. 65.....	136
—opinions of City Solicitor to be preserved and filed.	
Acts, Sec. 65.....	136
certificates of title in assignments of damages.	
Acts, Sec. 174.....	190
contracts, to be approved by.	
Acts, Sec. 15.....	99
deeds or transfers of property to city.	
Ords., Art. 5, Sec. 1.....	695
Department of Legislative Reference, on Board of.	
Acts, Sec. 208A.....	210
duties and powers.	
Acts, Sec. 62-67.....	133-136
duties of Assistant City Solicitors.	
Acts, Sec. 62.....	134
employment of persons to aid in examination of titles in opening, etc., streets.	
Ords., Art. 5, Sec. 3.....	696
examination of titles; Assistant City Solicitor assigned to such work to make same.	
Ords., Art. 5, Sec. 1.....	695
—contracts not to be made or purchase money for lands paid until made.	
Ords., Art. 5, Sec. 1.....	695
—expense of in street openings.	
Ords., Art. 5, Sec. 3.....	696
—to employ persons to aid in.	
Acts, Sec. 62.....	134
grading, paving, etc., to approve ordinances for.	
Ords., Art. 35, Sec. 89.....	1125

	Page
CITY SOLICITOR—(Cont'd).	
head of Department of Law. Acts, Sec. 60.....	133
legal adviser of city. Acts, Sec. 62.....	133
legal instruments; to pass upon or approve same. Acts, Sec. 63.....	135
licenses and water rents; en- forcement of provisions re- lating to. Ords., Art. 41, Sec. 15.....	1200
opinions on legal questions to be given in writing. Acts, Sec. 63.....	135
preparation and trial of suits, etc. Acts, Sec. 62.....	133
property acquired in Annex, certify titles to. Acts, Sec. §841e.....	533
records of Commissioners for Opening Streets, to pre- scribe form of. Acts, Sec. 173.....	190
recovery of lost or converted city property. Ords., Art. 21, Sec. 4....	906
sales for taxes; duties respect- ing sales by Comptroller. Ords., Art. 38, Sec. 37.....	1170
suits, actions and proceedings; authority to institute. Acts, Sec. 66.....	136
suits for violation of license ordinances. Ords., Art. 41, Sec. 15.....	1200
supervise record of proceed- ings of Commissioners for Opening Sewers. Ords., Art. 33 Sec. 4.....	1061
titles to city property. Ords., Art. 5, Sec. 1.....	695
—titles to property donated for streets, opinions on. Acts, Sec. 193.....	202
traveling expenses, allowance of. Acts, Sec. 67.....	136

CITY SOLICITOR—(Cont'd).	Page
unsafe and condemned build- ings collection of cost of securing. Ords., Art. 3, Sec. 151..	658

CITY STOCK,

*See "Appeal Tax Court,"
"Assessments of Proper-
ty," "Commissioners of Fi-
nance," "Opening, Closing,
etc., Streets," "Sewers,
and "Stocks, Loans and
Finance."*

**CITY STOCK FOR NEW
SEWERAGE SYSTEM,**

*See "Sewers" and Stocks,
Loans and Finance."*

CITY SURVEYOR,

*See "Streets, Bridges and
Highways," s u b - t i t l e
"Grades of Streets" and
"Surveyor."*

compensation. Acts, Sec. §833a.....	525
establishment of permanent grade lines by. Ords., Art. 35, Sec. 39....	1104-1105
fees for surveying. Acts, Sec. 43.....	122
grade lines, establishment and change of. Ords., Art. 35, Secs. 41- 45	1105, 1107
grades of streets, establish- ing, (<i>See "Streets, Bridges and Highways."</i>)	
Commissioners for Opening Sewers; duties relating to. Ords., Art. 33, Sec. 4.....	1061
survey of property sold for taxes. Acts, Sec. 43.....	123

CITY WELLS,

not to be used as drains for water closets, etc.; pen- alty. Ords., Art. 14, Sec. 151..	843
--	-----

	Page		Page
CITY WORK,		CLAREMONT STOCK	
City Engineer authorized to		YARDS,	
emp'oy skilled labor for.		driving cattle, etc., to and	
Ords., Art. 35, Sec. 5	1092	from, streets to be used for.	
CIVIL GOVERNMENT,		Ords., Art. 25, Sec. 29	968
text book on to be furnished		CLEANERS OF MARKETS,	
to public schools.		salaries and duties of cleaners	
Acts, Sec. §816a	503	of the various markets.	
CLAIM,		Ords., Art. 23, Sec. 2	918-919
where part is admitted—prac-		CLEANERS OF PRIVIES,	
tice.		<i>See "Privies."</i>	
Acts, Sec. 312	265	CLEANING AND LIGHTING	
CLAIMS AGAINST CITY,		STREETS,	
<i>See "City Register" and</i>		<i>See "Lamps and Lighting"</i>	
<i>"Comptroller."</i>		<i>and "Street Cleaning."</i>	
Board of Estimates to pass		general powers.	
on.		Acts, Sec. 6	80
Acts, Sec. 39	120	CLEANING DOCKS,	
Comptroller to approve.		<i>See "Harbor, Docks and</i>	
Ords., Art. 6, Sec. 4	699, 700	<i>Wharves."</i>	
—to audit.		Ords., Art. 13, Sec. 21	781
Acts, Sec. 34	110	CLEANING MARKETS,	
method of payment of.		<i>See "Markets."</i>	
Ords., Art. 6, Sec. 33	708	removal of dirt, filth and	
and note	708, 709	snow by clerks of markets.	
officials and employes of		Ords., Art. 23, Sec. 4	920
city not to be interested		CLEANING PRIVIES.	
in.		allowed in daytime; when.	
Ords., Art. 1, Sec. 37	582, 583	Ords., Art. 14, Sec. 141	840
payment of.		CLEANING OF STREETS,	
Ords., Art. 6, Sec. 4	699, 700	<i>See "Street Cleaning," sub-</i>	
—by City Register.		<i>title "Commissioner of."</i>	
Ords., Art. 6, Sec. 23	706	Acts, Sec. 83	143
—to be made only on		snow, removal from side-	
signed written orders.		walks.	
Ords., Art. 6, Sec. 33	710	Ords., Art. 25, Sec. 76	983-4
and note	708-709	CLEANING VESSELS,	
CLAIMS AGAINST POLICE,		when required; penalty for	
<i>See "Special Police Fund."</i>		refusal.	
CLAIMS BEFORE COUNCIL,		Ords., Art. 14, Sec. 163	849
<i>See "City Council."</i>		CLERK CIRCUIT COURT	
CLAIMS OF CITY,		No. 2,	
prosecution of against United		additional clerk.	
States by Mayor; compen-		Act, Sec. 327	275
sation for attorneys there-			
for.			
Ords., Art. 1, Sec. 5	573		

CLERK OF APPEAL TAX COURT,

- failure to perform duties;
penalty.
Acts, Sec. 164B..... 182

CLERK OF CRIMINAL COURT,

See "Criminal Court."

- bail on defendant's own re-
cognizance.
Acts, Sec. §278c..... 247
bail, taken only on authority
of court.
Acts, Sec. §278a..... 246
recognizance, to sign.
Acts, Sec. §278d..... 247

CLERK SUPERIOR COURT,

See "Land Records."

- jury books, deposit with.
Acts, Sec. 608..... 365
list of jurors, custody of.
Acts, Sec. 602..... 360

CLERK TO COMMISSIONERS FOR OPENING SEWERS,

- to record proceedings of com-
missioners; other duties.
Ords., Art. 33, Sec. 4.....1061
duties of.
Acts, Sec. 173..... 190

CLERK TO EXAMINING BOARD OF FIRE DEPARTMENT,

- duties of.
Ords., Art. 11, Sec. 23.... 744

CLERK TO GRAND JURY,

See "Jurors."

CLERK TO MAYOR,

See "Mayor."

CLERKS AND DEPUTIES,

- appointment and removal of.
Acts, Sec. 28..... 107

CLERK OF CITY COUNCIL,

See "City Council."

CLERKS OF COURTS,

See "Courts."

- alienations and sales of prop-
erty to be reported to Ap-
peal Tax Court.
Acts, Sec. 165..... 182

- alienations of property, chan-
cery sales, etc.—list to be
furnished.
Acts, Sec. 165..... 182

- Appeal Tax Court—duties and
salary of clerk.
Acts, Sec. 146..... 170

- bailiffs and criers—to certify
salaries of.
Acts, Sec. 372..... 288

- blank licenses—provisions ap-
plying to.
Acts, Sec. 363..... 284

- bond of Criminal Court clerk.
Acts, Sec. 367..... 286
— renewal of bond.
Acts, Sec. 368..... 286

- bonds—of clerks of Circuit
Courts.
Acts, Sec. 369..... 286

- of clerks of the Law Courts
of Baltimore City.
Acts, Sec. 357.....282-283

- failure to give—effect of.
Acts, Sec. 360.....283-284

- judge of each court certify
sufficiency of.
Acts, Sec. 357..... 283

- renewal of bi-ennially.
Acts, Sec. 359..... 283

- to be recorded.
Acts, Sec. 358..... 283

- clerk Superior Court to copy
certain records.
Acts, Secs. 364, §364a,
§364b..... 285

- Common Pleas, license to
pawnbrokers.
Acts, Sec. 693..... 423

- Comptroller to approve bonds.
Acts, Sec. 358..... 283

- copies of land records to be
evidence.
Acts, Sec. 365..... 285

	Page
CLERKS OF COURT —(Cont'd).	
Court of Common Pleas pay- ment of license fees to State.	
Acts, Sec. 679.....	416
deputy or assistant of clerk not to become surety of.	
Acts, Sec. 361.....	284
finer, etc., from justices; ac- counting by clerk of Court of Common Pleas.	
Acts, Sec. 643.....	385
indexing judgments—clerks fees.	
Acts, Sec. 362.....	284
indexes of judgments in Law Courts.	
Acts, Sec. 362.....	284
jurors, certificate of, per diem of	
Acts, Sec. 621.....	373
—lists of showing service and amounts due, to City Register.	
Ords., Art. 19, Sec. 1.....	891
night-watchmen; appoint- ment of, duties and sala- ries.	
Acts, Secs. 375-378.....	289
record books to be kept.	
Acts, Sec. 366.....	286
salaries payable out of fees; when fees insufficient, pro- viso.	
Acts, Sec. 370.....	287
salary of trust clerk of Circuit Courts.	
Acts, Sec. 371.....	287
CLERKS OF MARKETS,	
<i>See "Markets."</i>	
Broadway market; penalty.	
Ords., Art. 23, Sec. 66....	939
distress for rent.	
Acts, Sec. 6.....	62
Fells Point market, regulating sales and stalls.	
Ords., Art. 23, Secs. 79- 80.....	943
Lexington market; powers and duties of.	
Ords., Art. 23, Sec. 94....	947

	Page
CLERKS OF MARKETS —(Cont'd).	
police powers of in market limits.	
Ords., Art. 23, Sec. 1.....	918
puddings and sausages; sale of.	
Ords., Art. 41, Sec. 17....	1201
to collect per diem fee from each dealer in markets.	
Ords., Art. 23, Sec. 16....	923
CLOSING SALOONS,	
<i>See "Police Commissioners."</i>	
CLOSING, STRAIGHTENING, ETC., STREETS,	
<i>See "Opening, Closing, Etc., Streets," and "Streets, Bridges and Highways."</i>	
Burnt District Commission— powers of in.	
App. A, Sec. 28.....	1256-1257
CLOTHING, MERCHANDISE, ETC.,	
markets—sale in unlawful, penalty, proviso.	
Ords., Art. 23, Sec. 34..	929-30
COAL,	
<i>See "Inspections, Weights and Measures."</i>	
Ords., Art. 17, Sec. 31....	885
not to be unloaded from cars in streets; proviso.	
Ords., Art. 30, Sec. 3..	1016-17
policemen to enforce coal law —powers and duties of po- licemen; penalty.	
Acts, Secs. 537, 539A..	338-339
sales by bushels, etc.	
Acts, Sec. 540.....	339
—by wagon; coal to be weighed; penalty.	
Acts, Sec. 536.....	337-338
scales to be provided by seller of coal; penalty for failure.	
Acts, Sec. 535.....	337
seller to provide memoran- dum of weight; penalty for failure.	
Acts, Sec. 538.....	338
seller's compensation for weighing.	
Acts, Sec. 539.....	339

COAL AND COKE,

may be used in locomotive engines.
Ords., Art. 30, Sec. 16....1021

COAL OIL, GASOLINE AND INFLAMMABLE COMPOUNDS,

See "Fire Regulations."

lighting or heating of sweat-shops by, prohibited.
Acts, Sec. 280..... 252

COAL OIL ILLUMINANTS,

See "Fire Regulations" and "Lamps and Lighting".
regulating use of.
Ords., Art. 20, Secs. 25, 28, 29.....902-903

COASTING ON BICYCLES,

where prohibited, penalty.
Ords., Art. 25, Sec. 89.. 988

COASTING OR SLEDDING,

across or near crossings of railway tracks, unlawful, penalty.
Ords., Art. 25, Sec. 90.... 988

COBBLESTONE PAVEMENTS,

prohibited within city limits.
Ords., Art. 35, Sec. 77..1120

CODE, EFFECT OF,

vested rights, unimpaired by. 1229
repealable or revocable rights unaffected1229
contracts, effect on.....1229
suits and actions.....1229
taxes levied or proceedings taken heretofore.....1229
laws, ordinances and resolutions embraced in this Code 1230
same excluded.....1230
status of temporary public ordinances, quasi public and private ordinances.....1230

COFFEE BROKER,

license for.
Acts, Sec. 694..... 424

COLLARS ON DOGS,

See "Dogs."
required on all dogs in city limits.
Ords., Art. 41, Sec. 20....1202

COLLATERAL FOR APPEARANCE,

See "Justices of the Peace."

COLLECTION OF FINES AND PENALTIES,

See "Fines Forfeitures and Penalties," and " Water."

COLLECTION OF PICTURES OF CITY,

See "Librarian."
City Librarian to acquire and develop.
Ords., Art. 21, Secs. 6-9..... 907

COLLECTION OF TAXES,

See "City Collector," "Sales" and "Taxes."
arrears for taxes, expense of collecting.
Acts, Sec. 51..... 128
Collector's death, resignation, etc., effect of.
Acts, Sec. 51A..... 128
general powers of city.
Acts, Sec. 6..... 86
paying, etc., tax.
Ords., Art. 35, Sec. 75..1119

COLLECTOR, CITY,

See "City Collector."

COLLECTOR OF CITY TAXES,

See "City Collector."

COLLECTOR OF STATE TAXES,*See "City Collector."*

appointment of.
Acts, Sec. 52..... 129

appointment of, when Governor may appoint.
Acts, Sec. 56..... 131

books of, examination by State Treasurer.
Acts, Sec. 55..... 131

bond of.
Acts, Sec. 53..... 130

—to be recorded and filed in office of State Comptroller.
Acts, Secs. 53, 56.....130-131

certificates of deposit to be transmitted to State Treasurer, penalty for failure.
Acts, Sec. 54..... 130

City Collector to be.
Acts, Sec. 58..... 131

commission of, levy for.
Acts, Sec. 57..... 131

compensation of.
Acts, Secs. 52, 57.....129, 131

daily deposits of State taxes.
Acts, Sec. 54..... 130

duties of.
Acts, Secs. 52, 54.....129, 130

percentage for collection of state taxes.
Ords., Art. 38, Sec. 32.....1168

COLLECTOR OF WATER RENTS AND LICENSES,*See "Licenses" and "Water Rents."*

Ords., Art. 41, Sec. 1.....1195
.....1196

abatements, when to be made.
Ords., Art. 40, Sec. 8.....1180

appointment of.
Acts, Sec. 59..... 132
Ords., Art. 40, Sec. 4.....1178

COLLECTOR OF WATER RENTS & LICENSES—(Cont'd).

assistants and clerks of.
Acts, Sec. 59..... 132

bills and accounts for water used.
Ords., Art. 40, Sec. 4.....1178

bills for water rates and discounts to be printed on.
Ords., Art. 40, Sec. 6.....1179

charges and rates for water, when due and payable.
Ords., Art. 40, Sec. 5.....1179

discounts on water bills.
Ords., Art. 40, Sec. 5.....1179

duties of.
Acts, Sec. 59..... 132
Ords., Art. 40, Sec. 4.....1178

Finance, official of Department of.
Acts, Sec. 32..... 110

funds for water payable to, accounting therefor to Comptroller.
Ords., Art. 40, Sec. 4.....1179

licenses for privy cleaning, revocable by.
Ords., Art. 14, Sec. 140.. 840
—for vehicles, boats and scows.
Ords., Art. 41, Sec. 75.....1223

office of, may be abolished by ordinance.
Acts, Sec. 59..... 133

rates for water, when due and payable.
Ords., Art. 40, Sec. 5.....1179

refusal and revocation of licenses.
Ords., Art. 41, Sec. 14.....1200

report to of building using water.
Ords., Art. 40, Sec. 71179
..... 1180

salary of.
Acts., Sec. 59..... 132

shutting off water when bills in arrears.
Ords., Art. 40, Sec. 9.....1180

COLLECTOR OF WATER RENTS & LICENSES—(Cont'd).

Subordinates Of,

- appointment and salaries of.
Ords., Art. 41, Sec. 1.....1195
- bonds of.
Ords., Art. 41, Sec. 2.....1196
- duties of.
Ords., Art. 40, Sec. 4.....1178
Ords., Art. 41, Sec. 2.....1196
- tenure of office of.
Ords., Art. 41, Sec. 2.....1196
- water accounts, data of persons using water.
Ords., Art. 40, Sec. 4.....1178
- funds, accounting of by.
Ords., Art. 40, Sec. 4—1178
- wrongful use of water,—employees to report to.
Ords., Art. 40, Sec. 11.....1181
- penalty.
Ords., Art. 40, Sec. 9.....1180

COLLEGES AND UNIVERSITIES,

- water rents for.
Ords., Art. 41, Sec. 63.....1220

COLORED HIGH AND TRAINING SCHOOLS,

- graduates of, testimonials to.
Ords., Art. 32, Sec. 12.....1047

COLORED HOUSE OF REFORMATION,

- See "Houses of Refuge and Reformation."*

COMBUSTIBLE MATTER,

- See "Fire Regulations."*

- storage of, regulated.
Acts, Sec. 6..... 50

COMMISSIONERS FOR OPENING SEWERS,

- See "Sewers."*

COMMISSIONERS FOR OPENING STREETS,

- alterations and corrections in valuations and assessments.
Acts, Sec. 177..... 195

COMMISSIONERS, Etc—(Cont'd).

- Annex Improvement Commission,—duties of, to be performed by.
note.....1117-1118
- members of.
Acts, Sec. §841b.....531-532
- work of.
Acts, Sec. §841j..... 535
- appointment, salary, tenure of office.
Acts, Sec. 172..... 189
- appeals from assessment in grading and paving streets.
Acts, Sec. 6..... 75

Appeal From Assessments In Opening, etc., Streets,

- amendments to record.
Acts, Sec. 179..... 196
- appeal to Court of Appeals.
Acts, Sec. 179..... 197
- Baltimore City Court, appeal to.
Acts, Sec. 179..... 196
- benefits and damages, increase or decrease in.
Acts, Sec. 179..... 196
- consolidation of appeals.
Acts, Sec. 179..... 196
- costs.
Acts, Sec. 179..... 197
- evidence, copy of proceedings, as.
Acts, Sec. 179..... 197
- examination of commissioners.
Acts, Sec. 179..... 196
- hearing, court to appoint.
Acts, Sec. 179..... 196
- jurisdiction of court.
Acts, Sec. 179.....196-197
- jury trial for appellant.
Acts, Sec. 179..... 196
- record of proceedings of commissioners.
Acts, Sec. 179..... 196
- trial of appeals.
Acts, Sec. 179..... 197
- sheriff to summon jury.
Acts, Sec. 179..... 196
- subpoena duces tecum to City Register.
Acts, Sec. 179..... 196
- time appeal to be taken.
Acts, Sec. 179..... 196

	Page
COMMISSIONERS, Etc.—(Cont'd).	
Appeal From, Etc.—(Cont'd).	
—writing, petition of appeal in.	
Acts, Sec. 179.....	196
benefits and damages assessed to same person.	
Acts, Sec. 174.....	190
—to be assessed when opening, etc., streets.	
Acts, Sec. 175.....	191
benefits, bills to parties assessed for.	
Acts, Sec. 181.....	198
—payment by third parties.	
Acts, Sec. 186.....	200
Board of Commissioners for Opening Sewers, composition of.	
Ords., Art. 33, Sec. 1.....	1060
Board of Review and Assessment, commissioners to be members of.	
Acts, Sec. 145.....	170
books and papers, deposit of, in office of City Register.	
Acts, Sec. 192.....	202
bond of purchaser of property taken and sold, resale when purchaser fails to pay.	
Acts, Sec. 176.....	193
certificates and vouchers of, completion of work.	
Acts, Sec. 191.....	202
City Surveyor, to notify when his services required.	
Ords., Art. 37, Sec. 3.....	1149
Clerk.	
duties of.	
Acts, Secs. 172-173.....	190
—salary.	
Acts, Sec. 172.....	190
—to notify parties assessed.	
Acts, Sec. 178.....	195
compensation of owners for property taken.	
Acts, Sec. 176.....	192
consent of owners necessary until damages are paid.	
Acts, Sec. 185.....	200

	Page
COMMISSIONERS, Etc.—(Cont'd).	
damages and benefits assessed to same person.	
Acts, Sec. 174.....	190
duties.	
Acts, Sec. 172.....	190
duties, additional.	
Acts, Sec. 192.....	202
expenses of assessment of damages, etc., in opening, etc., streets.	
Acts, Sec. 175.....	191
fee and leasehold to be distinguished in assessments.	
Acts, Sec. 188.....	201
gifts and grants of property for streets.	
Acts, Sec. 193.....	202
hearings in revision of assessments.	
Acts, Sec. 177.....	195
highways, donated property to become, public.	
Acts, Sec. 194.....	202
lien from payment of benefits assessed.	
Acts, Sec. 186.....	200
maps filed in office of.	
(See " <i>Streets, Bridges and Highways.</i> ")	
meeting for revision of assessments by.	
Acts, Sec. 177.....	194
meeting to assess damages or benefits, notice of.	
Acts, Sec. 175.....	191
note on provisions of Charter, relating to.	
foot-note.....	189
notice of taking of property, what to show.	
Acts, Sec. 177.....	194
notices published and certificates of publication.	
Acts, Sec. 173.....	190
notice to parties, assessed, effect of.	
Acts, Sec. 178.....	195

	Page
COMMISSIONERS, Etc—(Cont'd).	
obstructions in opened streets, removal of.	
Acts, Sec. 189.....	201
ordinances declared void, duty in.	
Acts, Sec. 180.....	198
per diem to be assessed as expenses.	
Acts, Sec. 190.....	201
petitioners against street opening to give location of their property.	
Acts, Sec. 195.....	203
portion only of lot taken, procedure.	
Acts, Sec. 176.....	192
powers in opening, extend- ing, widening, etc., streets.	
Acts, Sec. 6.....	72-73
proceedings in assessment to be deposited with City Register.	
Acts, Sec. 177.....	195
procedure in opening, etc., streets.	
Acts, Sec. 175.....	191
—when part only of lot taken.	
Acts, Sec. 176.....	193
publication of damages and benefits assessed.	
Acts, Sec. 177.....	194
record of proceedings, clerk to keep.	
Acts, Sec. 173.....	190
resale of property where pur- chaser at first sale defaults.	
Acts, Sec. 176.....	193
residue of lots taken, sale of.	
Acts, Sec. 176.....	192
revision, notice of meeting for.	
Acts, Sec. 177.....	194
rule in assessing damages and benefits.	
foot note	190

	Page
COMMISSIONERS, Etc—(Cont'd).	
Sales of Property Assessed For Benefits,	
—City Collector to sell.	
Acts, Sec. 182.....	199
—costs of sales.	
Acts, Sec. 184.....	199
—deed to purchaser.	
Acts, Sec. 184.....	199
—notice.	
Acts, Sec. 182.....	199
—notice of resale.	
Acts, Sec. 183.....	199
—proceedings of Commis- sioners, return of.	
Acts, Sec. 183.....	199
—proceeds, disposition of.	
Acts, Secs. 182-4.....	199
—procedure.	
Acts, Sec. 183.....	199
—resale.	
Acts, Sec. 183.....	199
second sub-department of review and assessment.	
Acts, Sec. 172.....	189
sheds and obstructions on property taken, sale of.	
Acts, Sec. 176.....	193
subordinates in their sub- department.	
Acts, Sec. 172.....	190
temporary commissioner, appointment.	
Acts, Sec. 187.....	200
valuation of property taken.	
Acts, Sec. 176.....	192
COMMISSIONERS OF FI- NANCE,	
<i>See "Stocks, Loans and Fi- nance."</i>	
board of, composition of.	
Acts, Sec. 41.....	121
city property, to approve dis- posal of.	
Acts, Sec. 13.....	98
deeds, conveyances, assign- ments and leases to be ap- proved by, proviso.	
Ords., Art. 1, Secs. 2, 3..	572
duties of.	
Acts, Sec. 41.....	121

	Page
COMMISSIONER, Etc.—(Cont'd).	
Paving Commission and Loan, sale of stock. Acts, Sec. §841p.....	541
proceedings of, to be recorded. Acts, Sec. 41.....	121

COMMISSIONER OF HEALTH,

See "Health," sub-title "Commissioner of."

alteration of grades of streets, (<i>See "Streets and City Engineer," "Streets, Bridges and Highways," sub-title "Grades of Streets."</i>) Acts, Sec. 834.....	526
--	-----

bakeries and confectioneries, appointment of inspector. Ords., Art. 17, Sec. 35....	886
.....	887

bodies of city's insane, delivery to when unclaimed. Ords., Art. 16, Sec. 11....	872
--	-----

buildings, wooden, below street level, notice to raise. Ords., Art. 3, Sec. 132..	651
---	-----

certificate of, to City Register, in death of city's insane at hospitals. Ords., Art. 16, Sec. 9...	872
---	-----

Department of Public Safety, member of. Acts, Sec. 68.....	137
--	-----

hospitals for the sick, notice to owners to discontinue, penalty. Ords., Art. 16, Sec. 5.....	870
---	-----

infants, record of in homes for care of. Acts, Sec. §493g.....	323
--	-----

plumbing, member of State Board of Practical Plumbing. Acts, Sec. 511.....	327
--	-----

police to execute orders of. Ords., Art. 25, Sec. 36....	970
--	-----

	Page
COMMISSIONER, Etc.—(Cont'd).	
Tenement, Lodging and Apartment Houses,	
—privies of. Ords., Art. 3, Sec. 127....	649
—ventilation of. Ords., Art. 3, Sec. 125....	648
.....	649

COMMISSIONER OF STREET CLEANING,

See "Street Cleaning."

COMMISSION ON SEWER-AGE,

See "Sewers."

COMMISSION ON TOPOGRAPHICAL SURVEY,

See "Topographical Survey."

COMMISSIONS,

Collector of State Taxes. Acts, Sec. 57.....	131
--	-----

COMMISSIONS OF AUCTIONEERS,

See "Auctioneers."

COMMISSIONS OF TRUSTEES,

note.....	273
-----------	-----

COMMITMENTS,

See "Justices of the Peace" and "Thieves and Pick-pockets."

note.....	276
-----------	-----

assault and battery, cases of. Acts, Sec. 230.....	231
--	-----

destitute or neglected children; Supervisors of City Charities may commit to institutions. Acts, Sec. 107.....	159
--	-----

directed to warden of jail. Acts, Sec. 131.....	166
---	-----

in default of payment of costs or want of security. Acts, Sec. 142.....	169
---	-----

	Page
COMMITMENTS. —(Cont'd).	
Justices of the Peace; commitments on conviction or when fine not paid.	
Acts, Sec. 633.....	381
vagrants committed by justices.	
Acts, Sec. 141.....	168
when to be returned.	
Acts, Sec. 332.....	276

COMMUNICABLE DISEASES,

apartments of consumptives.	
App. B, Sec. 3.....	1266
appropriations to defray expenses of Act.	
App. B, Sec. 5.....	1268
circular of information to consumptives.	
App. B, Sec. 3.....	1267
Commissioner of Health to instruct physicians.	
App. B, Sec. 3.....	1265-1266
complaints relating to.	
App. B, Sec. 1.....	1264
diseases affected by this Act.	
App. B, Sec. 1.....	1265
duties of Commissioner of Health.	
App. B, Sec. 1.....	1264-1265
duty of attending physician.	
App. B, Sec. 2.....	1265
expenses of Commissioner of Health and others relating to.	
App. B, Sec. 5.....	1268
false statements relating to, penalty.	
App. B, Sec. 4.....	1267
physicians making false statements; penalty.	
App. B, Sec. 4.....	1267
precautions to prevent spread of contagion.	
App. B, Sec. 3.....	1266
printed matter to be issued.	
App. B, Sec. 5.....	1267-1268

COMMUNICABLE, Etc—(Cont'd).

penalty for violation of regulations.	
App. B, Sec. 1.....	1265
requisitions for materials to prevent spread of.	
App. B, Sec. 3.....	1266-1267
sputum or other secretion; disposal of.	
App. B, Sec. 1.....	1264

COMPARISON OF WEIGHTS AND MEASURES,

keepers to compare quarterly.	
Ords., Art. 17, Sec. 8....	878

COMPENSATION,

of city officials, employees and agents. (<i>See "Salaries."</i>)	
---	--

COMPETITIVE EXAMINATIONS FOR FIRE DEPARTMENT,

<i>See "Fire Department" subtitle "Examining Board of."</i>	
---	--

COMPLAINTS,

relating to communicable diseases.	
App. B, Sec. 1.....	1264

COMPOSITION ROOFING MANUFACTORY,

regulations for; violation of; penalty.	
Ords., Art. 14, Sec. 66....	817

COMPTROLLER,

accounting by city officials may be required by.	
Ords., Art. 6, Sec. 3.....	699
accounts, etc., of municipal officials, etc., to be examined by.	
Ords., Art. 6, Sec. 3.....	699
—with municipal officials to be opened.	
Ords., Art. 6, Sec. 4.....	699
Annex Improvement Commission, member of.	
Acts, Sec. §841b.....	531-2

	Page
COMPTROLLER. —(Cont'd).	
annual levy; to charge City Collector with.	
Ords., Art. 6, Sec. 3.....	699
Assistant Harbor Masters, appointed by.	
Ords., Art. 13, Sec. 2,	772-773
audit and approval of claims against city.	
Ords., Art. 6, Sec. 4.....	699-700
audit clerk, appointment of.	
Acts, Sec. 34.....	111
auditor of all city accounts.	
Ords., Art. 6, Sec. 2.....	699
—of city—to be.	
Acts, Sec. 34.....	111
bills against city; not to be paid except on written orders.	
Ords., Art. 6, Sec. 33....	710
and note.....	708-709
—for public improvements; when to be paid.	
Ords., Art. 6, Sec. 5.....	700
Board of awards, to be member of.	
Acts, Sec. 15.....	99
—of Estimates, member of.	
Acts, Sec. 36.....	113
bond of.	
Ords., Art. 6, Sec. 1.....	698
—of market clerks to be approved by; suits on bonds when clerks' accounts show deficiency.	
Ords., Art. 23, Sec. 7....	921
—of municipal officials and employes.	
Ords., Art. 6, Sec. 4.....	700
—of Jail Warden to be filed with.	
Acts, Sec. 128.....	165
—to be approved by, when.	
Acts, Sec. 20A.....	101
buildings, bath rooms, etc., certificate of payment of permit fees.	
Ords Art. 3, Secs. 17,19	606-7
—collection of fines, payment to.	
Ords., Art. 3, Sec. 20A..	680

	Page
COMPTROLLER. —(Cont'd).	
checks to be certified by.	
Ords., Art. 6, Sec. 4.....	699-700
—to be countersigned by him or the Mayor.	
Acts, Sec. 20A.....	101
claims against city; payment of.	
Ords., Art. 6, Sec. 4.....	699-700
Commissioners for Opening Streets; expenses of.	
Acts, Sec. 191.....	202
damages in opening streets; not to be paid until taxes are paid.	
Ords., Art. 38, Sec. 33....	1168
Deputy Comptroller, appointment of.	
Acts, Sec. 34.....	111
—bond of.	
Ords., Art. 6, Sec. 15.....	702-703
—compensation of.	
Ords., Art. 6, Sec. 16....	703
duties and powers of.	
Acts, Sec. 34.....	111
election of.	
Acts, Sec. 33.....	110
examination of accounts and reports thereon to be made by.	
Ords., Art. 6, Sec. 2.....	699
extra assistance.	
Ords., Art. 6, Sec. 17.....	703
finest imposed under inspections of gas and oil, collection and payment.	
Ords., Art. 20, Sec. 30....	903
fire pay rolls, certificate of examining board to names on.	
Ords., Art. 11, Sec. 22....	744
Harbor Master, to appoint.	
Acts, Sec. 34.....	111
hospitals, payment of fines collected.	
Ords., Art. 16, Sec. 16....	873
increase of assessment by court to be audited and charged to respondent.	
Acts, Sec. 170.....	187

	Page
COMPTROLLER. —(Cont'd).	
insurance; Comptroller to represent city in collection of claims for.	
Ords., Art. 6, Sec. 6.....	700
—monies; accounting of by.	
Ords., Art. 6, Sec. 6.....	700
—of city property outside city limits.	
Ords., Art. 6, Sec. 4.....	699
insuring city property; what property to be insured.	
Ords., Art. 6, Sec. 4.....	699
Ords., Art. 6, Sec. 7.....	700
inventories of city property in office of City Librarian, inspect annually.	
Ords., Art. 21, Sec. 4....	906
keepers of weights and measures, sets of weights, etc., for each.	
Ords., Art. 17, Sec. 6....	877
keepers of weights, etc.; monthly returns to.	
Ords., Art. 17, Sec. 23....	883
License and Market Detective,	
—accounts of market clerks to be audited by—reports thereon.	
Ords., Art. 6, Sec. 18..	704
—appointment of; duties; salary.	
Ords., Art. 6, Sec. 18,	703-704
list of property condemned to be furnished to Appeal Tax Court.	
Ords., Art. 38, Sec. 34....	1168
Market Master, to appoint.	
Acts, Sec. 34.....	111
market plats to be provided by; data to be shown thereon.	
Ords., Art. 23, Sec. 25....	927
—stalls, stands, etc., to re-number.	
Ords., Art. 23, Sec. 43..	932
Maryland Institute, contract with; report of president of; inspection of.	
Ords., Art. 32, Secs. 28, 30, 31.....	1053-4

	Page
COMPTROLLER. —(Cont'd).	
office hours on Tuesdays and Fridays.	
Ords., Art. 6, Sec. 30.....	709
and note.....	708-709
opening, etc., streets, duty when ordinance declared void.	
Acts, Sec. 180.....	198
pay rolls and salaries of city officials., etc.	
Ords., Art. 6, Sec. 4.....	700
payment of claims against city.	
Ords., Art. 6, Sec. 4	699-700
Polytechnic Institute; insurance of city's interest.	
Ords., Art. 6, Sec. 8.....	701
portable school buildings on vacant lots; to approve.	
Ords., Art. 32, Sec. 4....	1044
President of Department of Finance.	
Acts, Sec. 32.....	110
primary election for.	
App. C, Sec. 2.....	1275-1276
qualifications; term of office; salary.	
Acts, Sec. 33.....	110
recording of deeds to city of property bought at tax sales.	
Ords., Art. 38, Sec. 36....	1169
records of deeds and leases to be kept by.	
Ords., Art. 1, Sec. 49, 587-588	
refund of erroneous assessments.	
Acts, Sec. 170.....	186
refuse material.—account of to be kept.	
Ords., Art. 6, Sec. 12....	702
—duty of city officials in relation to.	
Ords., Art. 6, Sec. 13....	702
—separate account for to be kept.	
Ords., Art. 6, Sec. 14....	702
—sale of; proceeds to be paid to City Register.	
Ords., Art. 6, Sec. 12....	702

	Page
COMPTROLLER. —(Cont'd).	
reports—of auction duties to State Comptroller.	
Acts, Sec. 276.....	246
—to appeal Tax Court of sales of property for taxes.	
Ords., Art. 38, Sec. 38.....	1170
—to City Solicitor, loss or conversion of city property.	
Ords., Art. 21, Sec. 4....	906
re-sale of property bought by city at tax sales.	
Ords., Art. 6, Sec. 10....	701
residue from re-sale of unredeemed property sold for taxes.	
Ords., Art. 6, Sec. 11....	702
salaries of subordinates of.	
Acts, Sec. 34.....	111
sales for taxes, advertisement of private sales for.	
Ords., Art. 38, Sec. 37.....	1170
—objections to such sales.	
Ords., Art. 38, Sec. 37.....	1170
sales of property—bought by city at tax sales; requirements of such sales.	
Ords., Art. 38, Sec. 37.....	1169
—for taxes; duty of Comptroller.	
Ords., Art. 6, Sec. 9.....	701
subordinates in sub-department of.	
Acts, Sec. 34.....	111
—bonds of.	
Ords., Art. 6, Sec. 17....	703
Superintendent of Lamps and Lighting, fees and fines for inspections by.	
Acts, Sec. 204.....	208
tax sales; bid by Comptroller to protect city.	
Ords., Art. 6, Sec. 9.....	701
—sale of unredeemed property bought at.	
Ords., Art. 6, Sec. 10....	701
taxes on unredeemed property; payment from proceeds of re-sale.	
Ords., Art. 6, Sec. 11....	701

	Page
COMPTROLLER. —(Cont'd).	
titles to city property; to be custodian of.	
Ords., Art. 6, Sec. 4.....	699
Topographical Survey Commission, member of.	
Acts, Sec. 840.....	529
Ords., Art. 39, Sec. 3.....	1173
unsafe, etc., buildings, collection of cost for securing.	
Ords., Art. 3, Sec. 151....	658
vacancy in office of.	
Acts, Sec. 34.....	111
vaults and areas, payment to, of permit fee.	
Ords., Art. 3, Sec. 155....	659
Weights and Measures, Inspector of.	
Acts, Sec. 34.....	111
when removable.	
Acts, Sec. 34.....	112

COMPTROLLER OF TREASURY,

fees for instruction of deaf and dumb.	
Acts, Sec. 396.....	296
hearing by and determination of appeals from assessments and valuations.	
Acts, Sec. §170a.....	187-188

CONCEALED WEAPONS,

<i>See "Police Commissioners."</i>	
cases of, triable by Justices of the Peace.	
Acts, Sec. 632.....	379

CONCRETE WALLS,

See "Buildings."

CONDEMNATION,

markets, land for, (<i>See "Markets."</i>)	
--	--

CONDEMNATION OF IMPURE FOODS,

Ords., Art. 14, Sec. 58....	813
-----------------------------	-----

CONDEMNATION OF
PROPERTY,

See "*Burnt District Commission*," "*City Collector*," "*Commissioners for Opening Streets*," "*Condemnation Proceedings*," "*Opening, Closing, etc., Streets*," "*Sewers*" and "*Streets and City Engineer*."

Annex Improvement Commission, ordinance for condemnation.

Acts, Sec. §841e..... 533

appeals from valuations.

Acts, Sec. 6.....48-49

Burnt District Improvements.

App. A, Secs. 8-21, 1242-1253

cases cited, note..... 198

damages and benefits.

Acts, Sec. 6..... 48

damages, investment of sums due as.

Acts, Sec. 185..... 200

esplanades and the like.

Acts, Sec. 6..... 49

fee simple and leasehold distinguished.

Acts, Sec. 188..... 201

General Ordinance Relating to,

—acquisitions previously authorized.

Ords., Art. 8, Sec. 2..... 715

—appeals as in street cases.

Ords., Art. 8, Sec. 1..... 714

—appraisers, appointment, oath, return, disagreement.

Ords., Art. 8, Sec. 1..... 713

—assessment of value among owners.

Ords., Art. 8, Sec. 1..... 713

—authority by ordinance, proceedings under.

Ords., Art. 8, Sec. 1..... 711

—award of appraisers, payment of.

Ords., Art. 8, Sec. 1..... 714

—causes of, resort to condemnation.

Ords., Art. 8, Sec. 1..... 712

CONDEMNATION.—(Cont'd).

General Ord., Etc.—(Cont'd).

—Charter to control where provisions conflict with.

Ords., Art. 8, Sec. 3..... 715

—condemnations heretofore authorized.

Ords., Art. 8, Sec. 2..... 715

—confirmation of award.

Ords., Art. 8, Sec. 1..... 714

—conflict with Charter, Charter to control.

Ords., Art. 8, Sec. 3..... 715

—cost of appeals, city to pay.

Ords., Art. 8, Sec. 1..... 714

—disability of owners, guardian ad litem.

Ords., Art. 8, Sec. 1..... 713

—exceptions to award, time for filing.

Ords., Art. 8, Sec. 1..... 714

—hearing on return of summons.

Ords., Art. 8, Sec. 1..... 713

—jury trial.

Ords., Art. 8, Sec. 1..... 714

—non-resident owners, posting summons to,

Ords., Art. 8, Sec. 1..... 712

—notice of award of appraisers, publication of.

Ords., Art. 8, Sec. 1..... 714

—notice to non-resident owners, publication, posting.

Ords., Art. 8, Sec. 1..... 712

—objections to condemnation, hearing of.

Ords., Art. 8, Sec. 1..... 713

—objects for which condemnation will lie.

Ords., Art. 8, Sec. 1..... 711

—order of court, of summons for owner.

Ords., Art. 8, Sec. 1..... 712

—payment of award, payment into court.

Ords., Art. 8, Sec. 1..... 714

—payment of costs of appeals, etc.

Ords., Art. 8, Sec. 1..... 714

—petition in Baltimore City Court, institution of proceedings by.

Ords., Art. 8, Sec. 1..... 712

—publication of summons to non-residents, posting on property.

Ords., Art. 8, Sec. 1..... 712

	Page
CONDEMNATION. —(Cont'd).	
General Ord., Etc. —(Cont'd).	
—purposes of condemnation, statement of to accompany petition.	
Ords., Art. 8, Sec. 1.....	712
—renewal of summons.	
Ords., Art. 8, Sec. 1.....	712
—re-summons, when court may order.	
Ords., Art. 8, Sec. 1.....	713
—return of appraisers.	
Ords., Art. 8, Sec. 1.....	713
—return of summons.	
Ords., Art. 8, Sec. 1.....	713
—summons for owner, renewal of.	
Ords., Art. 8, Sec. 1.....	713
—title to property condemned, when to vest in city.	
Ords., Art. 8, Sec. 1.....	715
general powers.	
Acts, Sec. 6.....	48
Jones' Falls improvement.	
Acts, Sec. 6.....	58
—assessments for.	
Acts, Sec. 6.....	59
jury trial.	
Acts, Sec. 6.....	59
lien of benefits assessed in street opening.	
Acts, Sec. 185.....	200
markets.	
Acts, Sec. 6.....	62
New Sewerage System.	
Acts, Sec. §824c.....	512
notice to owners to be given.	
Acts, Sec. 6.....	48
objectionable surroundings, provision against.	
Acts, Sec. 6.....	49
opening, closing, etc., streets, (See " <i>Commissioners for Opening Streets</i> ;" " <i>Parks and Squares</i> ;" " <i>Streets, Bridges and Highways</i> .")	
Acts, Sec. 6.....	48, 72, 73
parks, squares or gardens.	
Acts, Sec. 6.....	48
Paving Commission, procedure for.	
Acts, Sec. §841m.....	539

	Page
CONDEMNATION. —(Cont'd).	
procedure to be provided.	
Acts, Sec. 6.....	48
purposes for which land may be condemned.	
Acts, Sec. 6.....	48
sales for benefits assessed in opening, closing, etc., streets, procedure.	
Acts, Sec. 183.....	199
—property assessed for benefits in street opening, closing, etc.	
Acts, Sec. 182.....	199
sewers.	
Acts, Sec. 6.....	68
squares, springs and monuments. <i>See under "Squares, Springs and Monuments."</i>	
Acts, Sec. 6.....	69-70
title to land condemned.	
Ords., Art. 5, Sec. 2, 3,	695-696
void ordinances for, effect of.	
Acts, Sec. 180.....	198
water and water rights.	
Acts, Sec. 6.....	88-91
wharves and docks—wharfage and dockage.	
Acts, Sec. 6, note.....	49
CONDEMNATION PROCEEDINGS,	
<i>See "Burnt District Commission."</i>	
appeals allowed on behalf of city.	
Acts, Sec. 320.....	272
appeals in, to be heard in City Court.	
Acts, Sec. 320.....	272
Burnt District Commission; powers and duties relating to.	
App. A, Sec. 4-28.....	1237-1257
Jurors, compensation of.	
Acts, Sec. 6.....	90
several interests to be valued.	
App. A, Sec. 20.....	1253

CONDEMNATION.—(Cont'd).

sewer opening; records to be deposited with City Register.

Ords., Art. 33, Sec. 20....1072

water and water rights.

Acts, Sec. 6.....88-91

CONDEMNED PUMPS,

signs to be placed on.

Ords., Art. 40, Sec. 36....1189

CONDEMNED STEAM BOILERS,

See "Steam Boilers."

CONDEMNED WELLS,

See "Wells."

fountains in place of—when to be provided.

Ords., Art. 40, Sec. 42....1190

water not to be used from.

Ords., Art. 40, Sec. 41....1190

CONDEMNED WEIGHTS AND MEASURES,

penalty for subsequent use.

Ords., Art. 17, Sec. 14....881

CONDITIONS OF GRANTS AND FRANCHISES,

See "Franchises."

Acts, Secs. 7-12.....94-97

CONDUITS,

See "Electrical Commission and Subways."

Acts, Sec. §826a.....519

telegraph and telephone wires.

Acts, Sec. 6.....81

CONDUITS AND SUBWAYS OF C. & P. TELEPHONE CO,

police and fire alarm wires in.

Ords., Art. 11, Sec. 35....749

CONDUITS FOR ELECTRIC WIRES,

See "Electrical Commission and Subways."

Ords., Art. 9, Secs. 1-24
.....718-727

CONFECTIONERIES,

analysts and inspectors for.

Acts, Sec. 73.....139

CONFECTIONERY,

inspectors of.

Acts, Sec. 73.....139

Sabbath—sales of in streets, unlawful penalty.

Ords., Art. 31, Sec. 2....1040

CONGRESSIONAL ELECTIONS,

See "Primary Elections."

selection of candidates and delegates to conventions for.

App. C, Sec. 1.....1274, 1275

CONNECTIONS WITH SEWERS.

See "Sewers."

CONNECTIONS WITH WATER PIPES,

See "Water."

penalty for unlawful introduction of water to premises.

Ords., Art. 40, Sec. 10....1181

CONRAD HOHMAN,

driving cattle through streets, special permission.

Ords., Art. 25, Sec. 21....967

CONSOLIDATION OF CERTIFICATES OF CITY STOCK,

authority for.

Ords., Art. 34, Sec. 17....1082

CONSTABLES,

appointment, compensation, duties, term of office.

Acts, Sec. 206.....209

fees of, city not to pay; when.

Acts, Sec. 639.....383

not to deputize persons to serve writs in his behalf.

Acts, Sec. 649.....387

	Page
CONSTITUENT COMPANIES OF UNITED RAILWAYS AND ELECTRIC COMPANY,	
See " <i>United Railways and Electric Company.</i> "	
App. D.....	1279-1288
CONSTITUTION,	
streets in annex, effect on,	
Acts, Sec. 3.....	42
CONSTRUCTION OF DRAIN PIPES,	
penalties relating to.	
Ords., Art. 14, Sec. 134..	838
CONSTRUCTION OF SEWERS,	
See " <i>Sewers.</i> "	
CONSUMPTIVES,	
See " <i>Communicable Diseases.</i> "	
false statements relating to.	
App. B, Sec. 4.....	1267
CONTAGIOUS AND INFECTIOUS DISEASES,	
See " <i>Health</i> " and " <i>Hospitals,</i> " sub-title " <i>Infectious Diseases Hospital.</i> "	
Ords., Art. 14, Sec. 1, 10,	
.....	796, 799
health wardens, duty in.	
Acts, Sec. 78.....	141
introduction, prevention of.	
Acts, Sec. 6.....	53
small-pox.	
Acts, Sec. 6.....	note 54
CONTAGIOUS DISEASES IN SCHOOLS,	
duty of physicians and parents.	
Ords., Art. 32, Sec. 35-39	
.....	1056-8
CONTAGIOUS DISEASES ON VESSELS,	
See " <i>Health.</i> "	
Ords., Art. 14, Sec. 164,	
.....	849, 850

	Page
CONTESTS OF SPEED,	
See " <i>Vehicles.</i> "	
CONTINGENT FUND,	
See " <i>Board of Estimates.</i> "	
Acts, Sec. 38.....	119
City Council, powers of in relation to.	
Acts, Sec. 38.....	119
expenditures therefrom to be reported.	
Acts, Sec. 38.....	119
CONTRACTORS,	
See " <i>Contracts.</i> "	
extra compensation not to be allowed; exception where city or its agents cause loss to contractor.	
Ords., Art. 1, Sec. 41.....	584
payment of for paving, grading, etc., work.	
Ords., Art. 35, Sec. 75....	1120
paving, etc., work — when to be paid.	
Ords., Art. 35, Sec. 17....	1096
—when work is to begin.	
Ords., Art. 35, Sec. 100....	1130
CONTRACTS,	
acquisition of land by city; contracts for.	
Ords., Art. 5, Sec. 1.....	695
advertising same where more than \$500 involved.	
Acts, Sec. 14.....	98
bonds of contractors.	
Acts, Sec. 15.....	99
—to contain stipulation to indemnify city for infringement of patents on materials, etc., and negligence of contractors.	
Ords., Art. 1, Sec. 45.....	586
buildings; specifications to provide for inspection by Inspector of Buildings.	
Ords., Art. 3, Sec. 3.....	598
City Solicitor to approve.	
Acts, Sec. 15.....	99
Sec. 63.....	135

	Page
CONTRACTS. —(Cont'd).	
clause requiring mechanics and laborers employed by the day to be paid once-a-week.	
Ords., Art. 1, Sec. 47....	586, 587
—vouchers for settlement of claims for labor and materials.	
Ords., Art. 1, Sec. 46.....	586
—sub-contractor to be named in bid.	
Ords., Art. 1, Sec. 44....	585, 586
Code not to affect liabilities under.	
Sec. 1.....	1229
decisions relating to.	
Acts, Sec. 14.....	note 98-99
dogs—seizure and destruction of.	
Ords., Art. 41, Sec. 24....	1204
Electrical Commission; duties relating to.	
Ords., Art. 9, Sec. 5.....	719
garbage, removal of.	
Ords., Art. 36, Sec. 4....	1141-2
Grading, Paving, Etc.,	
—on application of owners.	
Ords., Art. 35, Sec. 56....	1110
—under special ordinances.	
Ords., Art. 35, Sec. 91....	1126
Harbor Board to control harbor work and to retain 20 per cent. of money as security.	
Ords., Art. 13, Sec. 3.....	773
hospitals, care of city's insane at.	
Ords., Art. 16, Sec. 10....	872
indigent poor, care and support of; contracts relating to.	
Acts, Sec. 105.....	158
instruction and care of habitual truants.	
Ords., Art. 32, Sec. 27....	1052
manner of awarding same.	
Acts, Sec. 15.....	99
Acts, Sec. 99.....	153

	Page
CONTRACTS. —(Cont'd).	
Maryland Institute; instruction of city pupils in.	
Ords., Art. 32, Sec. 28....	1053
Mayor or heads of departments to approve.	
Acts, Sec. 20A.....	101
municipal officials or employees not to have personal interest in; penalty.	
Ords., Art. 1, Sec. 37....	582, 583
night soil, removal of; contract with R. R. Zell and Co.	
Ords., Art. 14, Sec. 157..	845
Paving Commission, contracts of \$500 or more.	
Acts, Sec. §841o.....	540
Paving Contracts,	
—maintenance of paving in good repair required.	
Ords., Art. 35, Sec. 16....	1095-96
—materials to be specified for street crossings.	
Ords., Art. 35, Sec. 18....	1096
—removal of old material required.	
Ords., Art. 35, Sec. 16....	1096
playgrounds for children.	
Acts, Sec. §493a.....	321
proposals to be advertised.	
Acts, Sec. 14.....	98
removal of street dirt and garbage.	
Acts, Sec. §841u.....	545-547
school buildings, portable.	
Ords., Art. 32, Sec. 5....	1044-5
—buildings, supplies and stationery.	
Acts, Sec. 99.....	152, 153
sewer opening, specifications and plans by City Engineer.	
Ords., Art. 33, Sec. 22....	1073
stationery and printing (See "Librarian.")	
—City Librarian to advertise for proposals.	
Acts, Sec. 197.....	205

	Page
CONTRACTS. —(Cont'd).	
street lighting contracts— burners, proposals for—ad- vertisement.	
Ords., Art. 20, Sec. 16....	898, 899
—forfeit clause in.	
Ords., Art. 20, Sec. 16..	898-9

**CONTRACTS, OBLIGA-
TIONS, ETC.,**

effect of this Code upon.	1229
---------------------------	------

CONTRACTS OF SALE,

arbitration of, (<i>See</i> " <i>Arbitra- tion, Court of.</i> ")	
Acts, Sec. 223.....	221

**CONTRIBUTIONS TO
POLICE FUND,**

See "*Special Police Fund.*"

CONVENTIONS,

<i>See</i> " <i>Primary Elections.</i> "	
App. C, Sec. 1.....	1269-1275

CONVEYANCERS,

employed by Burnt District Commission.	
App. A, Sec. 1.....	1236

CONVEYANCES,

See "*Deeds*" and "*Land
Records.*"

Burnt District Commission— lands, etc., acquired by.	
App. A, Sec. 6.....	1240-1241

Burnt District—State lands in.	
App. A, Sec. 33.....	1261

land, etc., acquired by Burnt District Commission.	
App. A, Sec. 6.....	1240

property sold for Burnt Dis- trict assessments.	
App. A, Sec. 15.....	1251, 1252

sale or lease of State property to city in burnt district.	
App. A, Sec. 34.....	1261, 1262

CONVICTS,

commutation of sentence for good behavior.	
Acts, Sec. 139.....	167-168
lunatic and insane in Bay View Asylum.	
Acts, Sec. §120a.....	163

CONWAY STREET,

vehicles; stands for prohibit- ed.	
Ords., Art. 4, Secs. 32, 37	691, 693

COOKING WITH GASOLINE,

regulating use in.	
Ords., Art. 11, Sec. 77....	763

**COPIES OF PLEADINGS,
ETC.,**

service of on parties in suits in Circuit Courts required; exceptions.	
Acts, Sec. 327A.....	275

CORD MEASURE,

firewood, sales by, penalty, proviso.	
Ords., Art 17, Sec. 32.....	886

CORD WOOD,

measurement of; contents of each cord of wood.	
Acts, Sec. 591.....	356

CORONER AT LARGE,

appointment, duties and com- pensation of.	
Acts, Sec. 295.....	258, 259

CORONERS,

appointment of.	
Acts, Sec. 294.....	258
assignment of by Governor.	
Acts, Sec. 294.....	259
bond and oath of.	
Acts, Sec. 294.....	258
burial expenses—City Regis- ter to pay same on certifi- cate of coroner; proviso.	
Acts, Sec. 296.....	259

	Page
CORONERS.—(Cont'd).	
clothing and effects of persons buried from morgue, to be disposed of by.	
Ords., Art. 14, Sec. 80....	821
coroners jury not to receive compensation for services.	
Acts, Sec. 296.....	259
death certificates to be furnished by coroner,—when.	
Ords., Art. 14, Sec. 182..	
.....	859, 860
inquests, when to be held by.	
Acts, Sec. 296.....	259
monthly report to Police Commissioners of inquests.	
Acts, Sec. 297.....	259
property or money of deceased to be deposited in bank subject to order of Orphans' Court.	
Acts, Sec. 297.....	260
salary of.	
Acts, Sec. 294.....	258
term of office.	
Acts, Sec. 294.....	258
CORONERS, INQUESTS AND DEAD BODIES,	
Acts, Secs. 294-299....	258-261
CORONERS JURY,	
<i>See "Coroners."</i>	
CORPORATE POWERS,	
<i>See "Powers."</i>	
City Council and Mayor, vested in.	
Acts, Sec. 218	216
synopses of decisions of Court of Appeals.	
—agents of municipal corporations	216
—appropriations	217
—ballots	217
—buildings	217
—City Council.....	217
—contracts	218
—estoppel.....	219
—franchises, improvements..	219
—legislature, licenses, markets.....	220

CORPORATE, Etc.—(Cont'd).	
—Mayor and City Council of Baltimore.....	220
—ordinances.....	220
—powers of municipality.....	223
—quorum	224
—taxing power, <i>ultra vires</i> .	
.....	225

CORPORATE PROPERTY,	
title to, in the city.	
Acts, Sec. 2.....	41

CORPORATIONS,	
list of stockholders to be furnished to Appeal Tax Court; what list shall show.	
Acts, Sec. §155a.....	176

CORPORATIONS USING STREETS,	
replacement and restoration of surface by.	
Ords., Art. 35, Secs. 114, 115	1136, 1137

CORRECTIONS IN STREET OPENING ASSESSMENTS,	
hearing and review.	
Acts, Sec. 177.....	195

CORN AND FLOUR EXCHANGE, ARBITRATION COMMITTEE OF,	
<i>See "Arbitration."</i>	

COSTS,	
—acquittals recovery of, of costs.	
Acts, Sec. 341.....	278
—when prosecuting witness shall pay.	
Acts, Sec. 340.....	278
appeals from Justices of the Peace.	
Acts, Sec. 389.....	294
commitments for want of security to keep peace.	
Acts, Sec. 142.....	169
criminal proceedings, station house justices to account for and pay same to Police Commissioners, application of such costs.	
Acts, Sec. 646.....	386

COSTS,—(Cont'd).

Page

Justices of the Peace to account for.
Acts, Sec. 142..... 169

power of city courts in cases of tort.
Acts, Sec. 389..... 294

pavements, repair of, City Engineer to charge Water Board with.
Ords., Art. 40, Sec. 29....1187

Sewer Opening Proceedings,

—appeals, assessment of costs of.
Ords., Art. 33, Sec. 9..1068
—per diem of Commissioners included in.
Ords., Art. 33, Sec. 19..1072
—valuations, assessment of cost of.
Ords., Art. 33, Sec. 6..1063

tort, costs in cases of, where verdict is below \$50.00 on default.
Acts, Sec. 389..... 294

COSTS IN EQUITY,

stenographer's per diem. note..... 273

COTTON BROKERS,

license for.
Acts, Sec. 694..... 424

COTTON WADDING MANUFACTORIES,

erection and operation of, prohibited, penalty.
Ords., Art. 14, Sec. 75.... 819

COUNCIL, CITY,

See "City Council."

COUNCILMANIC DISTRICTS,

See "Legislature Districts."

COUNSEL FEES,

note..... 269
when allowed to plaintiff.
Acts, Sec. 315..... 269

Page

COUNTRY PRODUCE,

See "Markets."

Fells Point Market, sales from wagons.
Ords., Art. 23, Sec. 85.... 944

COUNTERFEITING INSPECTIONS,

weights and measures, symbol of, penalty.
Ords., Art. 17, Sec. 11.... 880

COUNTERFEITING SEAL OF GAS METERS,

penalty.
Ords., Art. 20, Sec. 14.... 898

COUNTY COMMISSIONERS,

See "Bridges" and "Turnpikes."

agreements with, relating to bridges and turnpikes.
Acts, Sec. 6..... 82

Light street bridge.
Acts, Sec. 6..... 83

COUPON TICKETS,

See "Railroads and Railways."

COURT, APPEAL TAX,

See "Appeal Tax Court."
Acts, Sec. 146..... 170

COURT HOUSE,

employees in, salaries of.
Ords., Art. 28, Sec. 2.....1005

COURT OF APPEALS,

See "Corporate Powers."

appeals from assessments of taxes.
Acts, Sec. 170..... 187

when to be taken.
Acts, Sec. 170..... 187

transmission of record.
Acts, Sec. 170..... 187

appeals to have precedence.
Acts, Sec. 170..... 187

COURT OF COMMON PLEAS,

See "Courts—Law Courts of Baltimore City."

Acts, Secs. 300-322, 357
-362 363, 370, 372, 373,
374, 377, 378, 379, 380,
382, 387, 388, 389.
pages 261-273, 282-284,
287-288, 289, 290, 292,
293, 294.

COURT STENOGRAPHERS,

See "Stenographers of Courts."

COURTS,

Judges of Supreme Bench,
additional salary.
Ords., Art. 8, Sec. 1..... 716

Superintendent of Public
Buildings, to have charge
of buildings and offices of.
Acts, Sec. 207..... 209

COURTS,—LAW COURTS OF BALTIMORE CITY,

Acts, Secs. 300-322.....261-273
—appeals from Justices of the
Peace, trial of, costs in.
Sec. 319..... 271
—appeals in condemnation
proceedings to be heard
by Baltimore City Court.
Acts, Sec. 320..... 272
—proceedings, practice and
procedure.
Acts, Sec. 320..... 272
arrest of judgment, motions
in.
Acts, Sec. 300..... 261
bills of exception, when to
be signed.
Acts, Sec. 316..... 270
condemnation proceedings,
city to have right of ap-
peal therein.
Acts, Sec. 320..... 272
declaration, when to be filed.
Acts, Sec. 309..... 264
entry of appearance after
summons.
Acts, Sec. 307..... 263

COURTS.—(Cont'd).

judgment by default, when
entered.
Acts, Sec. 308..... 264
naturalization cases, rules
governing same.
Acts, Sec. 321A.....272-273
new trials, motions for.
Acts, Sec. 300..... 261
paper book of evidence not
required.
Acts, Sec. 301..... 261
plea to declaration, when
to be filed.
Acts, Sec. 309..... 264
pleas, when to be filed.
Acts, Sec. 308..... 263
postponement of cases.
Acts, Sec. 311..... 265
practice upon execution of
a writ returnable to a re-
turn day.
Acts, Sec. 306..... 263
registration and naturaliza-
tion cases, two judges to
hear and determine,
sittings of court.
Acts, Sec. 321..... 272
removed cases, assignment
of same for trial.
Acts, Sec. 322..... 273
—transmission of record.
Acts, Sec. 322..... 273
return days.
Acts, Sec. 303..... 262
revisory power of court,
when exerciseable and its
effect.
Acts, Sec. 317.....270-271
terms of courts.
Acts, Sec. 302.....261-262
thirty-day rule, definition
of.
Acts, Sec. 318..... 271
trial of suits.
Acts, Sec. 310..... 265
—or judgment, when suits
shall stand for.
Acts, Sec. 310..... 265

COURTS.—(Cont'd).

writs, renewable until executed.	
Acts, Sec. 305.....	263
renewal of.	
Acts, Sec. 305.....	262
when returnable.	
Acts, Sec. 304.....	262

**Speedy Judgment Act.—
Pleading and Practice
Under,**

—admissions, when presumed.	
Acts, Sec. 312.....	266
—affidavit to plaintiffs claim, by whom made, particulars of.	
Acts, Sec. 313.....	267-268
—bond, bill or account to be filed.	
Acts, Sec. 313.....	268
—certificate of counsel to accompany plea.	
Acts, Sec. 312.....	265
—counsel fee, when allowed to plaintiff.	
Acts, Sec. 315.....	269
—damages after judgment by default, assessment of.	
Acts, Sec. 314.....	269
—entry of judgment.	
Acts, Sec. 312.....	265
—judgment below court's jurisdiction, practice.	
Acts, Sec. 312.....	266
—to be entered where part of claim is admitted.	
Acts, Sec. 312.....	266
—jury trial, motion to be in writing.	
Acts, Sec. 314.....	269
—pleas and affidavit, time of filing may be extended.	
Acts, Sec. 312.....	266
—to be sworn to.	
Acts, Sec. 312.....	265
—portion of claim, practice when same is admitted.	
Acts, Sec. 312.....	265

**COURTS OF BALTIMORE
CITY,**

Acts Secs. 300-389....	261-294
witnesses, compensation of.	
Acts, Sec. 387.....	293

Page

Page

**COWS AND CALVES IN
MARKETS,**

driving unlawful, penalty.	
Ords., Art. 23, Sec. 33....	929
sales of, charges on, where to sell, proviso.	
Ords., Art. 23, Sec. 39..	931

**COWS AND COW
STABLES,**

<i>See "Health."</i>	
Ords., Art. 14, Sec. 33-55.....	806-812

**COWS OR CATTLE IN
STREETS,**

sales of, prohibited, penalty.	
Ords., Art. 23, Sec. 38..	930

CRABS AND FISH,

<i>See "Markets."</i>	
where same may be sold at wholesale.	
Ords., Art. 23, Sec. 23..	926
	927

CRACKING WHIPS,

<i>See "Vehicles."</i>	
------------------------	--

CREWS AND PASSENGERS,

<i>See "Health" and "Quarantine Hospital."</i>	
Ords., Art. 14 Sec. 177....	857

CRIFIERS AND BAILIFFS,

salaries of, and when to be paid.	
Acts, Secs. 372-374.....	288

**CRIMES AND PUNISH-
MENTS,**

<i>See "Justices of the Peace."</i>	
fire apparatus, injury of, to be felony.	
Acts, Sec. 446.....	308
Mayor to offer reward in certain crimes.	
Ords., Art. 1, Sec. 12....	575

CRIMES, OFFENCES AND MISDEMEANORS,

Criminal Court to have jurisdiction in cases of.	
Acts, Sec. 330.....	276
penalties for certain crimes and misdemeanors.	
Acts. Secs. 761, 762.....	469-470

CRIMINAL COURT,

Acts, Secs. 328-351, 367, 368, 370, 372, 373, 374, 379, 380, 382, 387, 388, 389.	
Pages—275-281, 286, 287, 288, 290, 292, 293, 294.	
absent witness, fine of.	
Acts, Sec. 346.....	279
appearance fee of traverser's attorney.	
Acts, Sec. 342.....	279
vagrants may appeal from justice's decision to.	
note.....	554
appellate jurisdiction only in cases of vagrancy.	
note.....	554
assistant counsel for State, appointment and compensation of.	
Acts, Sec. 350.....	281
bail, forfeiture of, attachment for contempt may issue.	
Acts, Sec. 347.....	280
binding out children of convicted persons, age limits.	
Acts, Sec. 345.....	279
Capias,	
—return of by sheriff, indorsements thereon and reissues.	
Acts, Sec. 333.....	277
—sheriff's fees for return of.	
Acts, Sec. 334.....	277
commitments and recognizances, Justices of the Peace to return same.	
Acts, Sec. 332.....	276

CRIMINAL COURT.—(Cont'd).

costs upon acquittal, when paid by prosecuting witness.	
Acts, Sec. 340.....	278
—recovery of.	
Acts, Sec. 341.....	278
fees to States Attorney, additional in extraordinary cases.	
Acts, Sec. 438.....	304
finest and costs, terms of imprisonment for non-payment.	
Acts, Sec. 443.....	306
Grand Jury, appointment of clerk to, by.	
Acts, Sec. 604A.....	362
House of Good Shepherd, judges to visit and inspect.	
Acts, Sec. 518.....	332
imprisonment for non-payment of fines and costs.	
Acts, Sec. 443.....	306
judge to order removal of, insane convicts to Bay View.	
Acts, Sec. §120a.....	163
jurisdiction—crimes and offences triable in.	
Acts, Sec. 330.....	276
—in criminal cases.	
Acts, Sec. 444.....	307
petty larceny, penalty for.	
Acts, Sec. 331.....	276
presentment to bear name of prosecuting witness.	
Acts, Sec. 343.....	279
prosecution of offenders.	
Acts, Sec. 444.....	306
removed cases, fee of State's Attorney.	
Acts, Sec. 349.....	280
sheriff's returns—penalty for failure to make.	
Acts, Sec. 338.....	278
sessions of.	
Acts, Sec. 328.....	275
special sessions of.	
Acts, Sec. 329.....	276

CRIMINAL COURT.—(Cont'd).

subpoenas—renewal of by clerk.	Page
Acts, Sec. 337.....	278
—sheriff's fee for serving.	
Acts, Sec. 336.....	277
—when returnable.	
Acts, Sec. 335.....	277
surrender of principal by security in recognizance.	
Acts, Sec. 344.....	279
witnesses before Grand Jury, how sworn.	
Acts, Sec. 339.....	278
—fees allowed.	
Acts, Sec. 387.....	293

CRIMINAL OFFENCES,*See "Justices of the Peace."*

finer, default in payment of.	
Acts, Sec. 444.....	307

CROSS STREETS,

cost of paving under, Paving Commission, city to pay.	
Acts, Sec. §841q.....	543
expense of grading, paving, etc.	
Ords., Art. 35, Sec. 60.....	1112
grading, paving, etc., on application of owners, expense of.	
Ords., Art. 35, Sec. 60.....	1112
paving by city required.	
Ords., Art. 35, Sec. 73.....	1118

CROSS STREET MARKET,

provisions relating to.	
Ords., Art. 23, Secs. 75-77.....	942

CROSSINGS OF RAILROADS,

street cars to stop at, penalty.	
Ords., Art. 30, Sec. 31.....	1026

CROSSINGS OF STREETS,

cars of railroads not to obstruct, penalty.	
Ords., Art. 30, Sec. 4.....	1017

CURBING STREETS,

<i>See "Grading Paving, etc., Streets."</i>	
Acts, Sec. 6.....	74

CURBSTONES,

streets, etc., less than 20 feet wide.	
Ords., Art. 35, Sec. 58.....	1111

CURED MEATS,

license for sale of, penalty.	
Ords., Art. 1, Sec. 16.....	1200
	1201

DAIRIES,

<i>See "Health."</i>	
Ords., Art. 14, Secs. 33-55.....	806-812
sanitary and hygienic regulations for.	
Ords., Art. 14, Secs. 40-55.....	809-812

DAMAGES,

<i>See "City Collector;" "Condemnation of Property;" "Sewers;" Streets, Bridges and Highways" sub-title "Opening Streets," and "Water System."</i>	
Burnt District Commission; assessments by.	
App. A, Secs. 8-28.....	1242-1257
Burnt District—caused by establishments and changes of grade in.	
App. A, Sec. 35.....	1262-1263
condemnation proceedings relating to water, in.	
Acts, Sec. 6.....	89
Grading Streets,	
<i>See "Streets, Bridges and Highways," sub-title "Grades of Streets."</i>	
investment of damages in cases of disability.	
Acts, Sec. 6.....	73
pawnbrokers liable to suits for.	
Ords., Art. 41, Sec. 34.....	1208-1209

DAMAGES.—(Cont'd).

- payment into court of, when
assessed in opening, etc.,
streets.
Acts, Sec. 827..... 521

Sewers, Opening, etc.,

- assignment of, when both
damages and benefits
assessed.
Ords., Art. 33, Sec. 5....1062
—award of, basis of.
Ords., Art. 33, Sec. 6..1063
—constructing, opening, etc.
sewers.
Acts, Sec. 818 504
—payment before work be-
gun.
Ords., Art. 33, Sec. 14..1070-1

Streets,

- opening, closing, etc.,
streets; assessment of.
Acts, Sec. 175..... 191
—assignment of.
Acts, Sec. 174..... 190
—certificate required from
claimants as to taxes in
arrear.
Ords., Art. 38, Sec. 33..1168
—investment in city stock.
Acts, Sec. 185..... 200
—list of property for which
damages are assessed.
Ords., Art. 38, Sec. 34..1168
—where portion only of lot
is taken.
Acts, Sec. 176..... 192

DAMAGES AND BENEFITS,

- opening, extending, widen-
ing, etc. streets, etc.
Acts, Sec. 6.....72-73
—assessment of both to same
person.
Acts, Sec. 174..... 190
—rule in assessing; foot note. 190

**DANCES, SOIREES AND
MASK BALLS,**

See "Special Police Fund."

**DANGEROUS AND UN-
HEALTHY SUBSTANCES,**

- deposit in streets unlawful,
penalty, proviso.
Ords., Art. 25, Sec. 69.... 980

**DATE OF PRIMARY ELEC-
TIONS,**

- App. C, Sec. 1.....1270

**DAY, HOURS TO CONSTI-
TUTE,**

See "Hours of Labor."

**DAY LABOR ON CITY
WORK,**

- Paving Commission, employ-
ment of.
Acts, Sec. §841o..... 541

DEAD ANIMALS,

- removal of—from streets.
Ords., Art. 36, Secs. 5, 11
.....1142-1144
—penalty.
Ords., Art. 14, Sec. 95.. 826

DEAD BODIES,

- Anatomy Board—composition
and duties of.
Acts, Sec. 298..... 260
bodies infected with conta-
gious disease; burial of.
Ords., Art. 14, Sec. 194, 864
bond by physicians using;
penalty for illegal traffic.
Acts, Sec. 299..... 261
burial permits required.
Ords., Art. 14, Sec. 184.. 860
burial within 4 days—from
death required, proviso;
penalty.
Ords., Art. 14, Sec. 194 864
distribution of by Anatomy
Board.
Acts, Sec. 298..... 260
friends or relatives to receive
bodies if claimed.
Acts, Sec. 298..... 260
penalty in relation to dead
bodies.
Acts, Sec. 298..... 260
permits for conveyance of.
Ords., Art. 14, Sec. 187.. 861
removal of, when contagious
disease caused death.
Ords., Art. 14, Sec. 16.... 801

	Page
DEAF, DUMB AND BLIND,	
age limit for instruction of.	
Acts, Sec. 395.....	295
application for instruction.	
Acts, Sec. 395.....	295
—duty of Governor when ex-	
cessive.	
Acts, Sec. 396.....	296
—order of disposition of.	
Acts, Sec. 396.....	296
appropriations annually for.	
Acts, Sec. 397.....	296
—exhaustion of.	
Acts, Sec. 396.....	295
—maximum expenditure.	
Acts, Sec. 396-7.....	296
blind, cost and term of in-	
struction.	
Acts, Sec. 399.....	297
certificate of fitness of appli-	
cant for instruction.	
Acts, Sec. 395.....	295
—duty of Governor in rela-	
tion to.	
Acts, Sec. 396.....	295
fees for tuition, payment of.	
Acts, Sec. 396-9.....	296
Maryland Institute for Educa-	
tion of Deaf and Dumb to	
receive.	
Acts, Sec. 395.....	295
qualifications of applicant for	
instruction.	
Acts, Sec. 395-9.....	295-297
report by Governor of dis-	
bursements for.	
Acts, Sec. 400.....	297
term of instruction.	
Acts, Sec. 396-9.....	295
transportation expenses of	
deaf and dumb.	
Acts, Sec. 396.....	296
DEALERS IN COAL,	
<i>See "Coal."</i>	
DEATH CERTIFICATE,	
<i>See "Health."</i>	
Ords., Art. 14, Sec. 181	
.....	858-859

	Page
DEATH,	
from contagious diseases;	
certificates to be delivered	
at once.	
Ords., Art. 14, Sec. 182,	
.....	159-160
—of city officials; accounting	
for property by successor.	
Ords., Art. 21, Sec. 3.905-06	
—of firemen; payment to wife	
or family, proviso.	
Ords., Art. 11, Sec. 11....	739
DEBTS AGAINST CITY,	
<i>See "Claims against City."</i>	
DEBTS OF POLICE,	
<i>See "Special Police Fund."</i>	
DECISIONS OF COURT OF	
APPEALS,	
<i>See "Corporate Powers."</i>	
DECLARATION,	
filing of plea to.	
Acts, Sec. 309.....	264
when to be filed.	
Sec. 309.....	264
DECREE IN PERSONAM,	
<i>See "Mortgages."</i>	
DECREES,	
sale of mortgaged premises.	
Acts, Sec. 720.....	434
DEDICATED STREETS,	
acceptance of; foot note.....	74
declaration of dedication of	
certain streets to be public	
highways; proviso.	
Ords., Art. 35, Sec. 19.1097	
streets in Annex.	
Ords., Art. 35, Sec. 19.1097	
DEEDS, LEASES AND	
TRANSFERS,	
<i>See "Conveyances" and "City</i>	
<i>Solicitor."</i>	
Assistant City Solicitor to ap-	
prove, form and legal suf-	
ficiency of.	
Ords., Art. 5, Sec. 1.....	695

DEEDS, LEASES, Etc.—(Cont'd).

Burnt District Commission
to insert clause relating to
signs and bill-boards.
Ords., Art. 1, Sec. 4.....572-573

City Collector, change in
office of.
Acts, Secs. §45a, §45b.... 124

City Solicitor to approve legal
form of.
Acts, Sec. 63..... 135

Mayor to renew leases on city
fee simple or leasehold es-
tates.
Ords., Art. 1, Sec. 3..... 572
—to execute on behalf of city.
Ords., Art. 1, Sec. 2..... 572

must conform with section
13 of City Charter when
applicable.
City Code 2, 3 572

property conveyed for street
beds, plats to accompany.
Acts, Sec. 193..... 202
—purchased at tax sales.
Ords., Art. 38, Sec. 35
.....1168-1169

recording of deeds to city
property.
Ords., Art. 38, Sec. 36..1169

record to be kept by Comp-
troller.
Ords., Art. 1, Sec. 49.... 587

residue of lots taken in open-
ing, etc. streets.
Acts., Sec. 176..... 192

**DEFACING MARKS OF
IDENTIFICATION ON
REVOLVERS,**

penalty for.
Ords., Art. 25, Sec. 82 986

**DEFAULT BY MORT-
GAGOR,**

See "Mortgages."
not to effect right to decree.
Acts, Sec. 731..... 439

DEFECTIVE BOILERS,

See "Steam Boilers."

DEFECTIVE WATER PIPES,

repair of by Water Board and
private owners.
Ords., Art. 40, Secs. 25,
26.....1185-1186
when owners shall repair;
penalty.
Ords., Art. 40, Sec. 26,
.....1186

**DEFICIENCY IN SPECIAL
POLICE FUND,**
See "Special Police Fund."

DEGREES,
*See "Johns Hopkins Univer-
sity."*

**DELEGATES AND DELE-
GATIONS,**
See "Primary Elections."
App. C, Sec. 1.....1270-1272

DENSITY OF OILS,
See "Lamps and Lighting."
minimum allowed; penalty.
Ords., Art. 20, Sec. 28.... 903

**DEPARTMENT OF CHARI-
TIES AND CORRECTIONS,**
*See "Charities and Correc-
tions."*

**DEPARTMENTAL ESTI-
MATES,**
See "Board of Estimates."
Acts, Sec. 36.....113

**DEPARTMENTS OF THE
CITY,**

annual reports of; when to
be made.
Ords., Art. 1, Sec. 36..... 582

City Finance,

—Board comprising head of.
Acts, Sec. 32..... 110
—powers of Board of.
Acts, Sec. 32..... 110

Legislative Reference,

—composition of, head.
Acts, Sec. 208A 210
—Executive Officer, duties
of.

Page

DEPARTMENTS OF—(Cont'd).

Legislative Reference,—(Cont'd).

- accumulate data on operation of laws.
Acts, Sec. 208B 210
- annual report.
Acts, Sec. 208B 211
- collect and index information.
Acts, Sec. 208B 211
- examine laws of other states and cities.
Acts, Sec. 208B 210
- other duties.
Acts, Sec. 208B 211
- prepare bills and ordinances.
Acts, Sec. 208B 211
- report on proposed legislation when requested.
Acts, Sec. 208B 211
- salary.
Acts, Sec. 208C 211
- tenure of office.
Acts, Sec. 208A 210
- expenses of
Acts, Sec. 208C 211
- statistician to, appointment.
Acts, Sec. 208A 210

Public Safety,

- composition of Board
Acts, Sec. 68 136-137
- water used in; tax for payment for.
Ords., Art. 41 67, 1220

DEPOSITORY BANKS FOR CITY'S FUNDS,

- selection of; interest payable by.
Ords., Art. 6, Sec. 23 705-706

DEPOSITS IN BANKS,

- interest on city's moneys.
Ords., Art. 6, Sec. 23 705-706

DEPOSITS OF NIGHT SOIL,

- places for, selection by Commissioner of Health; penalty.
Ords., Art. 14, Sec. 154.. 843
- suspension of, on complaint of neighboring parties.
Ords., Art. 14, Sec. 155.. 844

Page

DEPOSITS OR PLEDGES WITH PAWNBROKERS,

See "Pawnbrokers."

DEPOTS AND PUBLIC PLACES,

See "Thieves and Pickpockets."

DEPUTIES, ASSISTANTS, CLERKS AND SUB-ORDINATES,

- appointments and removal of.
Acts, Sec. 28 107

DEPUTY CITY SOLICITOR,

See "City Solicitor."

- appointment of.
Acts, Sec. 62 133
- powers of, when acting as City Solicitor.
Acts, Sec. 62 134
- vacancy in office of City Solicitor; Deputy City Solicitor to be City Solicitor.
Acts, Sec. 134 134

DEPUTY COMPTROLLER,

See "Comptroller."

- appointment of, and salary.
Acts, Sec. 34 111
- bond of.
- compensation of.
Ords., Art. 6, Sec 16 703

DEPUTY REGISTER,

See "City Register."

- bond and oath of.
Ords., Art. 6, Sec. 20 705
- clerk to Board of Finance, salary as.
Acts, Sec. 41 121
- duties of.
Ords., Art. 6, Sec. 20 ..704-705
- sinking funds, to open accounts of.
Ords., Art. 34, Sec. 18 ..1083
- to act in absence of City Register.
Ords., Art. 6, Sec. 21 705

DEPUTY SHERIFF,*See "Sheriff."***DESTROYING PROPERTY
MALICIOUSLY,**

garments, wearing apparel,
etc., penalty.
Acts, Sec. 401..... 297

goods, wares and merchan-
dise; penalty.
Acts, Sec. 401..... 297

houses, fences, chattels, etc.
police regulations.
Ords., Art. 25, Sec. 59.... 977

**DIES FOR LICENSE NUM-
BERS,**

Collector of Water Rents and
Licenses to provide.
Ords., Art. 41, Sec. 78....1225

DIGGING UP STREETS,*See "Streets and City Engi-
neer" and "Water."*

permits for.
Ords., Art. 35, Secs. 104-
109.....1131-1134

powers and duties of Water
Board.
Ords., Art. 40, Secs. 23-
24..... 1184-1185

**DIMENSIONS OF COW
STABLES,**

*See "Health," sub-title "Cows,
Cow Stables and Dairies."*
Ords., Art. 14, Secs. 37,
38 and 40806-809

DIPLOMAS,

*See "Schools," sub-title "Cer-
tificates, Diplomas and
Prizes."*
Ords., Art. 32, Secs. 11-
14 1047-1048

**DIRT, LUMBER, ETC., IN
STREETS,**

police regulations,
Ords., Art. 25, Sec. 73.... 981

DISABILITY OF FIREMEN,

pay during, proviso.
Ords., Art. 11, Sec. 10.... 739

DISBURSEMENTS,

City Register to keep record
of.
Ords., Art. 6, Sec. 23 706

**DISBURSING OFFICIALS OF
CITY,**

office hours on Tuesdays and
Fridays.
Ords., Art. 6, Sec. 30.... 709
and note.....708-709

system adopted by.
Ords., Art. 6, Sec. 29 708
and note.....708-709

DISCHARGING FIRE-ARMS,

penalty for, in city or on ves-
sels in harbor.
Ords., Art. 25, Sec. 83.... 986

DISCIPLINE OF POLICE,*See "Police Commissioners."***DISCONTINUED GAS
METERS,**

See "Lamps and Lighting."
re-inspection required before
subsequent use, fee, pen-
alty.
Ords., Art. 20, Sec. 11.... 896

DISCOUNTS,*See "City Collector" and
"Water Rents."*

Burnt District assessments;
early payment of.
App. A, Sec. 37.....1263

water rents and charges;
scale of.
Ords., Art. 40, Sec. 5....1179
Sec. 6....1179

**DISCOVERIES OF ASSESS-
ABLE PROPERTY,**

Acts, Sec. 169 184

DISEASES,

*See "Health," sub-title "In-
fectious and Contagious
Diseases."*
Acts, Sec. 6..... 53

communicable diseases de-
fined.
App. B, Sec. 1.....1265

	Page		Page
DISINFECTION OF PREMISES AND CLOTHING,		DISTRAINT,	
See " <i>Health</i> ;" sub-title " <i>Infectious and Contagious Diseases</i> ."		notice of, in tax sales.	
Ords., Art. 14, Secs. 15,		Acts, Sec. 43.....	123
18	801-802	DISTRIBUTION OF PROCEEDS OF SALES,	
vacant premises to be disinfected.		See " <i>Mortgages</i> ."	
Ords., Art. 14, Sec. 27.....	804	DISTRICT ENGINEER OF FIRE DEPARTMENT,	
DISINFECTION OF VESSELS,		See " <i>Fire Department</i> ."	
expenses of, how paid.		act in absence of Chief Engineer.	
Ords., Art. 14, Sec. 170..	853	Ords., Art. 11, Sec. 19....	742
DISORDERLY AND IDLE PERSONS,		DISTRICT SUPERINTENDENTS OF LAMPLIGHTERS,	
See " <i>Vagrants and Disorderly Persons</i> ."		See " <i>Lamps and Lighting</i> ."	
ejection from or arrest of in markets.		Ords., Art. 20, Sec. 23....	
Ords., Art. 23, Sec. 9....	922	.....	900-01
DISORDERLY CONDUCT OR DRUNKENNESS,		DISTRICT SUPERINTENDENT OF STREETS,	
treatment of persons charged with.		See " <i>Street Cleaning</i> ."	
Acts, Sec. 143	169	Ords., Art. 36, Secs. 14-16.....	1145-6
DISPENSARIES,		daily reports by, to Commissioner.	
See " <i>Health</i> ."		Ords., Art. 36, Sec. 2....	
appropriations for.		.....	1140-41
Acts, Sec. 105.....	158	DISTRICTS,	
receiving fines.		See " <i>Legislative Districts</i> ."	
(See " <i>Fines and Forfeitures</i> ."')		keepers of standards of weights and measures.	
vaccine virus to be supplied by; provisions relating to.		Ords., Art. 17, Sec. 4.....	877
Ords., Art. 14, Sec. 30..	805	DISTRICTS OF STREET CLEANERS,	
water charges for.		division of city into.	
Ords., Art. 41, Secs. 58-61.....	1219	Ords., Art. 36, Sec. 14....	1145
DISPOSSESSION OF TENANTS,		DOCKAGE,	
See " <i>Landlord and Tenant</i> ."		See " <i>Harbor, Docks and Wharves</i> ."	
Acts, Sec. 853-864.....	550-553	Ords., Art. 13, Sec. 18....	
DISTANCES BETWEEN VEHICLES IN STREETS,		.....	779, 780
See " <i>Vehicles</i> ."		DOCUMENTS AND OFFICIAL PAPERS,	
		City Engineer's Department,	
		Ords., Art. 35, Sec. 4.....	1092

	Page
DOCKET ENTRIES AND PAPERS IN SUITS,	
See " <i>Mortgages.</i> "	
to be evidence in suits pending ; production by <i>subpoena duces tecum</i> at trials.	
Acts, Sec. 388.....	293-294

DOCKETS OF JUSTICES OF THE PEACE,

disposition of upon death, resignation or removal.	
Acts, Sec. 648.....	387

DOCKS AND WHARVES,

Burnt District Commission—additions and extensions to.	
App. A, Secs. 4-28..	1237-1257

infected articles not to be landed at.	
Ords., Art. 14, Sec. 15....	801

DOGS,

claimed within forty-eight hours of capture ; fees charged.	
Ords., Art. 41, Sec. 23....	1204

collars and license tags for.	
Ords., Art. 41, Sec. 20....	1202

contract with city for destruction of.	
Ords., Art. 41, Sec. 24....	1204

dogs of non-residents excepted.	
Ords., Art. 41, Sec. 21....	1203

killing of dogs at large.	
Ords., Art. 41, Sec. 20....	1202

license for.	
Ords., Art. 41, Secs. 20, 21.....	1202, 1203

—application for license ; information to be given in.	
Ords., Art. 41, Sec. 21....	1202, 1203

—provisions relating to.	
Ords., Art. 41, Secs. 20, 21.....	1202, 1203

—renewals of license.	
Ords., Art. 41, Sec. 21....	1203

—tags for license numbers.	
Ords., Art. 41, Sec. 21....	1202, 1203

DOGS.—(Cont'd).

—when unnecessary:	
Ords., Art. 41, Sec. 21....	1202, 1203

penalty for violation of provisions relating to.	
Ords., Art. 41, Sec. 22....	1203-1204

poisoned meat, etc., to destroy, penalty.	
Ords., Art. 41, Sec. 25....	1204-1205

reclaiming of dogs seized.	
Ords., Art. 41, Sec. 23....	1204

seizure and destruction of, authority for ; proviso.	
Ords., Art. 41, Sec. 24....	1204

tags lost or stolen.	
Ords., Art. 41, Sec. 21....	1203

disposition of dogs taken up ; penalty for owners ; recovery of dogs.	
Ords., Art. 25, Sec. 10....	964

DOMESTIC USE OF WATER,

rates for.	
Ords., Art. 41, Sec. 54....	1216-17

DOVER STREET,

vehicles ; stands for prohibited.	
Ords., Art. 4, Sec. 33.....	691

DRAIN PIPES,

See " <i>Health.</i> "	
Ords., Art. 14, Sec. 130..	837

DRAINAGE,

See " <i>Health.</i> "	
Ords., Art. 14, Secs. 94, 100.....	826, 827

building permits not to issue until provision made for.	
Ords., Art. 38, Sec. 21....	1163

buildings to be provided with.	
Ords., Art. 14, Sec. 150..	843

into city wells prohibited ; penalty.	
Ords., Art. 14, Sec. 151..	843

regulation of.	
Acts, Sec. 6.....	68

DRAINAGE.	1390	MEASURES.	
	Page		Page
DRAINAGE AND VENTILATION,		DRIVERS OF HACKNEY CARRIAGES,	
<i>See "Sanitary Inspectors."</i>		<i>See "Hackney Carriages."</i>	
DRAINAGE CONNECTIONS,		DRIVERS OF VEHICLES,	
<i>See "Sewers."</i>		<i>See "Vehicles."</i>	
DRAINAGE UNDER SIDE-WALKS,		DRIVING AND RIDING REGULATIONS,	
<i>See "Footways."</i>		<i>See "Vehicles."</i>	
Ords., Art. 35, Secs. 32, 36 inclusive.....	1102-1103	DRIVING CATTLE, SHEEP AND HOGS THROUGH STREETS,	
DRAINAGE IN ANNEX,		<i>See "Cattle, Sheep and Swine,"</i>	
provisions for costs of.		— <i>driving through Streets.</i>	
Acts, Sec. §841h.....	534	Ords., Art. 25, Secs. 11-31.....	964-69
DRAINERS FOR CELLARS,		DRIVING OVER FIRE HOSE IN USE,	
water charges for.		penalty, proviso.	
Ords., Art. 41, Sec. 73....	1223	Ords., Art. 11, Sec. 49....	753
DRAINING CELLARS,		DROVES OF CATTLE, ETC., IN STREETS,	
automatic drainers, water for free.		maximum number permitted, number of drivers required.	
Ords., Art. 41, Sec. 73....	1223	Ords., Art. 25, Secs. 16-18.....	965-6
DRAINS AND SEWERS,		DRUGGISTS AND APOTHECARIES,	
private construction of, permit for, application for permit.		liquors, sale of.	
Ords., Art. 33, Sec. 24....	1074	(<i>See "Licenses."</i>)	
DRAYMEN,		Acts, Sec. 683.....	417
<i>See "Vehicles."</i>		DRUNK AND DISORDERLY PERSONS,	
DRAWBRIDGE AT CITY DOCK,		penalty prescribed.	
vessels passing through, regulations, penalty.		Acts, Sec. 761.....	469
Ords., Art. 18, Sec. 5.....	890	DRUNKARDS,	
DRAYS,		<i>See "Liquor Licenses."</i>	
power to license.		DRY, LONG AND LIQUID MEASURES,	
Acts, Sec. 6.....	47	annual inspection of.	
—to regulate.		Ords., Art. 17, Sec. 17....	882
Acts, Sec. 6.....	47		
DRAYS IN STREETS,			
<i>See "Vehicles."</i>			
DRINKING FOUNTAINS,			
construction of.			
Ords., Art. 40, Sec. 15....	1182		
erection of to replace pumps.			
Ords., Art. 40, Sec. 14....	1182		

	Page
DUMPS FOR OYSTER SHELLS,	
prohibited without permit from Commissioner of Health.	
Ords., Art. 14, Sec. 119..	832
DUTIES—AUCTION,	
<i>See "Auctioneers."</i>	
DWELLING HOUSES,	
water rents for.	
Ords., Art. 41, Sec. 54....	1216, 1217
DWELLINGS ON LOW, DAMP, ETC., GROUND,	
construction, ventilation.	
Ords., Art. 3, Sec. 22.....	607
DYNAMITE, ETC.,	
manufacture prohibited, penalty.	
Ords., Art. 11, Sec. 69....	759
EARNINGS OF PRISONERS IN JAIL,	
allowance on discharge.	
Acts, Sec. 124.....	164
EARTHEN AND STONE-WARE MANUFACTORIES,	
operation of prohibited; penalty.	
Ords., Art. 14, Sec. 69.....	818
EASEMENTS IN STREETS,	
<i>See "Franchises."</i>	
EASEMENTS, PUBLIC,	
<i>See titles relating to "Grants and Franchises."</i>	
EASTERN AVENUE,	
locomotives to be used on.	
Ords., Art. 30, Sec. 13....	1019
EDUCATION,	
<i>See "Schools."</i>	
city may receive funds in trust for.	
Acts, Sec. 2.....	42

	Page
EDUCATION AT McDONOGH INSTITUTE,	
support and maintenance of school farm and institute.	
Ords., Art. 22, Sec. 6..	910-11
EDUCATION, DEPARTMENT OF,	
Board of School Commissioners to be its head.	
Acts, Sec. 99.....	152
composition of.	
Acts, Sec.	109
EFFECT OF CODE,	
contract obligation unaffected.	
Ords., Sec. 1.....	1229
laws and ordinances embraced in, status of temporary ordinances.	
Ords., Sec. 2.	1230
revocable rights not to become vested.	
Ords., Sec. 1.....	1229
suits, pending, not affected.	
Ords., Sec. 1.....	1229
taxes previously levied not affected.	
vested rights not impaired.	
Ords., Sec. 1.....	1229
EGRESS FROM BUILDINGS,	
obstruction of, when prohibited and penalized.	
Acts, Sec. 280.....	252
ELECTION DAY,	
for spring primaries for Mayor, etc.	
App. C, Sec. 2.....	1275
ELECTION OF JUDGES,	
Acts, Sec. 326.....	274-275
and note.....	275
ELECTION RETURNS,	
<i>See "Police Commissioners."</i>	
ELECTIONS,	
City Council, Second Branch.	
Acts, Sec. 213.....	213
Comptroller, election of.	
Acts, Sec. 33.....	110

	Page
ELECTIONS.—(Cont'd).	
employes of Fire Department not to act as officers of.	
Ords., Art. 11, Sec. 4....	737
Mayor when to be elected.	
Acts, Sec. 16.....	100
President Second Branch City Council.	
Acts, Sec. 214.....	213
qualifications of voters.	
Acts, Sec. 16.....	100

ELECTIONS, PRIMARY,*See "Primary Elections."*

App. C, Secs. 1-3....1269-1277

ELECTRIC LAMPS,

location of.

Ords., Art. 20, Sec. 22.... 900

**ELECTRIC LIGHT AND
OTHER POLES,**

permits for planting.

Ords., Art. 35, Sec. 105,

106.....1132-1133

**ELECTRIC WIRES UNDER-
GROUND,***See "Electrical Commission
and Subways."*

Ords., Art. 9, Secs. 6-11,

.....719-722

**ELECTRICAL COMMISSION
AND SUBWAYS,****Chesapeake and Potomac
Telephone Company,**—agreement of payment for
privileges granted, ap-
proval of, security, rate.

Ords., Art. 9, Sec. 21.. 726

—annual minimum payment
for privileges.

Ords., Art. 9, Sec. 21.. 726

—authority to lay conduits in
streets.

Ords., Art. 9, Sec. 19..724-5

—bond for performance of
obligations.

Ords., Art. 9, Sec. 23.. 727

—City Engineer to supervise
replacement of paving.

Ords., Art. 9, Sec. 21.... 726

ELECTRICAL, Etc.—(Cont'd).**C. & P. Teleph'e, Etc.—(Cont'd).**—compensation to city for
rights granted.

Ords., Art. 9, Sec. 21.. 726

—condition of grant of priv-
ileges.

Ords., Art. 9, Sec. 20.. 725

—construction requirements
for conduits and man-
holes.

Ords., Art. 9, Sec. 19.. 725

—distribution poles, use of.

Ords., Art. 9, Sec. 20.. 725

—Electrical Commission to
supervise construction.

Ords., Art. 9, Sec. 21.. 726

—exclusive rights not granted

Ords., Art. 9, Sec. 20.. 725

—fire alarm wires, to provide
free space for.

Ords., Art. 9, Sec. 22.... 727

—house connections, author-
ity to make.

Ords., Art. 9, Sec. 19.. 725

—joint user of privileges sep-
arately granted.

Ords., Art. 9, Sec. 19.. 725

—manholes, authority to con-
struct.

Ords., Art. 9, Sec. 19.. 725

—note, list of ordinances on
distribution of electricity
and gas.

Ords., Art. 9.....727-8

—ordinance 41 to remain un-
affected.

Ords., Art. 9, Sec. 24.. 727

—payment for grant of
privileges.

Ords., Art. 9, Sec. 21.. 726

—paving, City Engineer to
supervise replacement.

Ords., Art. 9, Sec. 21.. 726

—plans of construction to be
filed with Electrical
Commission.

Ords., Art. 9, Sec. 21.. 726

—poles, removal of.

Ords., Art. 9, Sec. 20.. 725

—police patrol wires, provide
space for, free.

Ords., Art. 9, Sec. 22.. 727

—provisions of ordinance 41
remain unaffected.

Ords., Art. 9, Sec. 24.. 727

—space for fire alarm and
police patrol wires, to
provide free.

Ords., Art. 9, Sec. 22.. 727

	Page
ELECTRICAL, Etc.—(Cont'd).	
C. & P. Teleph'e, Etc.—(Cont'd).	
—time limit for construction.	
Ords., Art. 9, Sec. 20..	725
—telephone conduits, construction of.	
Ords., Art. 9, Sec. 19..	725
Electrical Commission of Baltimore,	
<i>See "Stocks, Loans and Finance."</i>	
Acts, Sec. §826a.....	519
—advertise for proposals for construction.	
Ords., Art. 9, Sec. 5....	719
—appointment and duties of.	
Acts, Sec. 6.....	81
—authority and powers.	
Ords., Art. 9, Sec. 1....	718
—Chief Engineer, salaries, duties, qualifications.	
Ords., Art. 9, Sec. 2....	718
—composition of Commission.	
Ords., Art. 9, Sec. 1....	718
—conduits, construct general system of.	
Ords., Art. 9, Sec. 1....	718
—contracts to be in accordance with plans of Commission.	
Ords., Art. 9, Sec. 5....	719
—labor, employment of registered voters only.	
Ords., Art. 9, Sec. 4....	719
—materials, purchase of.	
Ords., Art. 9, Sec. 4....	719
—notes, cases cited.....	718
—plans and specifications.	
contracts to conform to.	
Ords., Art. 9, Sec. 5....	719
—proposals, to advertise for.	
Ords., Art. 9, Sec. 5....	719
—salary of Chief Engineer.	
Ords., Art. 9, Sec. 2....	718
—specifications and plans for bids.	
Ords., Art. 9, Sec. 5....	719
—subordinates, employment of.	
Ords., Art. 9, Sec. 3....	718
—trolley wires, excepted.	
Ords., Art. 9, Sec. 1....	718
—voters only, to be employed as laborers.	
Ords., Art. 9, Sec. 4....	719
—wires to be placed underground.	
Ords., Art. 9, Sec. 1....	718

	Page
ELECTRICAL, Etc.—(Cont'd).	
Powers of Electrical Commission and use of Subways,	
—applications for space in conduits.	
Ords., Art. 9, Sec. 7....	720
—authority and powers defined.	
Ords., Art. 9, Sec. 6..	719-20
—compliance with conditions of rental required.	
Ords., Art. 9, Sec. 7....	720
—drawings, etc., of wires in streets, etc., owners to furnish, penalty.	
Ords., Art. 9, Sec. 11..	721
—failure to comply with orders of Commission, penalty.	
Ords., Art. 9, Sec. 9....	721
—notice to owners to furnish data of wires in streets, etc., penalty.	
Ords., Art. 9, Sec. 11..	721
—place wires underground.	
Ords., Art. 9, Sec. 9....	721
—remove poles.	
Ords., Art. 9, Sec. 10..	721
—overhead wires to be placed underground on order of Commission.	
Ords., Art. 9, Sec. 8....	720
—owners to place wires underground, penalty.	
Ords., Art. 9, Sec. 9....	721
—penalty for neglect of owners to furnish data of wires.	
Ords., Art. 9, Sec. 11..	722
—poles, removal by Commission on neglect of owners.	
Ords., Art. 9, Sec. 10..	721
—renting space in conduits, provisions, proviso.	
Ords., Art. 9, Sec. 7....	720
—summary methods in exercise of.	
Ords., Art. 9, Sec. 6....	720
—time limit for compliance with orders of Commission.	
Ords., Art. 9, Sec. 9....	721
—removal of poles.	
Ords., Art. 9, Sec. 10..	721
—trolley wires, exemption of.	
Ords., Art. 9, Sec. 6....	720

ELECTRICAL, Etc.—(Cont'd). Page

Rentals, Rules and Regulations Relating to Duct Space,

- arrears for rent, removal of wires at expenss of lessee. Ords., Art. 9, Sec. 14. 723
- authority to fix rents of ducts. Ords., Art. 9, Sec. 12.. 722
- bond from users of duct space. Ords., Art. 9, Sec. 16.. 723
- City Register, payment of collections to. Ords., Art. 9, Sec. 15.. 723
- collection of rentals of ducts. Ords., Art. 9, Sec. 14.. 723
- Comptroller, monthly statement of collections to. Ords., Art. 9, Sec. 15.. 723
- conditions, rules, etc , of use of ducts. Ords., Art. 9, Sec. 12.. 722
- duct space rates of rental. Ords., Art. 9, Sec. 13.... 722
- lessees of space to give bond. Ords., Art. 9, Sec. 16.. 723
- in arrears, removal of wires, proviso. Ords., Art. 9, Sec. 14.... 723
- monthly statement of collections. Ords., Art. 9, Sec. 15.. 723
- notice in advance of rental due, to users of space. Ords., Art. 9, Sec. 14.. 723
- rates of rental of ducts. Ords., Art. 9, Sec. 13.. 722
- rental of ducts, payment, conditions, etc. Ords., Art. 9, Sec. 12.. 722
- scale of rentals for conduits. Ords., Art. 9, Sec. 13.. 722

ELECTRICAL COMMISSION AND SUBWAYS,

Unlawful Tampering with Sub-way System,

- conduits, opening, etc., without permit unlawful. Ords., Art. 9, Sec. 17.... 724

ELECTRICAL, Etc.—(Cont'd). Page

Unlawful Tampering with Sub-way System,—(Cont'd).

- fines and imprisonment for. Ords., Art. 9, Sec. 18.... 724
- manholes, permit to open required. Ords., Art. 9, Sec. 17.... 724
- penalty for tampering with manholes or conduits. Ords., Art. 9, Sec. 18.... 724
- permit for opening manholes, etc. Ords., Art. 9, Sec. 17.... 724
- rules and regulations governing use of conduits. Ords., Art. 9, Sec. 17... 724

Fines And Penalties.

- recovery of and payment to Comptroller. Ords., Art. 9, Sec. 25.... 727

ELECTIONS,

See "City Council and "Primary Elections."

City Council, first branch.

Acts, Sec. 212..... 213

ELECTRIC LIGHT POLES AND WIRES,

See "Electrical Commission and Subways;" "Poles, etc." and "Wires and Wiring."

ELECTRICIANS,

See "Licenses;" "Inspector of Buildings," sub-title, "Electrical Apparatus and Wiring," and "Installation of Electrical Apparatus and Wiring."

ELECTRICAL WIRING,

See "Licenses;" "Inspector of Buildings," sub-title "Electrical Apparatus and Wiring," "Installation of Electrical Apparatus and Wiring."

ELEVATORS, HOISTS AND LIFTS,

See "Buildings," "Elevators."

Ords., Art. 3, Secs. 55-74.....618-626

water charges for hydraulic. Ords., Art. 41, Sec. 57....1219

EMPLOYES,**In Public Buildings,**

- salaries, regulations for, substitutes, absence of.
Ords., Art. 28, Secs. 2-5.....1005-1006

Of Fire Department,

- appointment of.
Ords., Art. 11, Sec. 4.... 737
- manual force of.
Ords., Art. 11, Sec. 2.... 736

Of Markets,

- salaries and duties.
Ords., Art. 23, Sec. 2....918
..... 919

of Quarantine Hospital.

- Ords., Art. 14, Sec. 160 846
..... 847

EMPLOYES AND SUBORDINATES,

- appointment and removal of.
Acts, Sec. 28..... 107

EMPLOYMENT UNDER CITY,

- members of City Council not to hold other.
Ords., Art. 1, Sec. 18.... 577

ENCLOSURES IN STREETS,

- construction of, by builders, police regulations.
Ords., Art. 25, Sec. 74.... 982

ENGINE HOUSES, LAMPS IN FRONT OF,

- Superintendent of Lamps and Lighting, to light.
Ords., Art. 11, Sec. 43.... 751

ENGINEERS, BOARD OF EXAMINING,

- See "Examining Engineers."*

ENGINES, STEAM, GAS, GASOLINE AND MACHINERY,

- See "Inspector of Buildings;" sub-title "Steam, Gas and Gasoline Engines and Machinery."*
Ords., Art.—Secs. 138-149
.....652-657

ENOCH PRATT FREE LIBRARY,

- See "Pratt Free Library."*
Ords., Art. 26, Secs. 1-5 998
.....1001

ENTERING DOCKS,

- provisions relating to.
Ords., Art. 13, Sec. 33.... 785

ENTERING JAIL,

- penalty for entering without license.
Acts, Sec. 136..... 167

ENTERING UP JUDGMENT,

- authority of clerk.
note..... 264

ENTICING PURCHASERS FROM STORES,

- penalty for.
Ords., Art. 25, Sec. 94.... 989

ENTRY OF APPEARANCE,

- appearance to be entered after summons.
Acts, Sec. 307..... 263

ENTRY OF JUDGMENT,

- See "Courts—Law Courts of Baltimore City."*

ENOCH PRATT FREE LIBRARY,

- See "Pratt Free Library."*

ERECTION OF STEAM BOILERS,

- permission of city required.
Acts, Sec. 585..... 354

ERRONEOUS ASSESSMENTS,

- See "Appeals from Assessments" and "Appeal Tax Court."*
Acts, Sec. 170..... 186

ERRORS IN TAX ASSESSMENTS,

- refund for.
Ords., Art. 38, Sec. 5....1156
.....1157

	Page
ESCAPED PROPERTY,	
See " <i>Assessments of Property.</i> "	188
ESPLANADES, BOULEVARDS, ETC,	
condemnation of property for.	
Acts, Sec. 6.....	49
condemnation proceedings.	
Acts, Sec. 6.....	49
—appeals in.	
Acts, Sec. 6.....	49
—notice, etc.	
Acts, Sec. 6.....	49
—purposes for which they may be instituted.	
Acts, Sec. 6.....	49
ESTIMATES FOR ANNUAL APPROPRIATIONS,	
See " <i>Board of Estimates.</i> "	
Acts, Sec. 36.....	115
ESTIMATES FOR NEW IMPROVEMENTS,	
See " <i>Board of Estimates.</i> "	
Acts, Sec. 36.....	114
ESTABLISHMENT OF GRADE LINES,	
See " <i>Streets and City Engineer,</i> " " <i>Streets, Bridges and Highways</i> " and " <i>Surveyor.</i> "	
general powers of city.	
Acts, Sec. 6.....	74
EUTAW PLACE,	
conditions of acceptance of bed of by city.	
Acts, Sec. 836.....	527
tracks on bed of prohibited.	
Acts, Sec. 836.....	527
—cross streets not prohibited.	
Acts, Sec. 837.....	527
EUTAW PLACE, EXTENDED,	
car tracks on, prohibited, proviso.	
Acts, Secs. 836-837.....	527

	Page
EUTAW SQUARE,	
extension of parking on.	
Acts, Sec. 6.....	70
EVIDENCE,	
docket entries and original papers sufficient in pending suits.	
Acts. Sec. 388.....	293-294
Master Electrician's license as.	
Acts, Sec. §663g.....	403
ordinances, printed volumes of, as.	
Acts, Sec. 219.....	216
proceedings in sewer openings, virtue as.	
Ords., Art. 33, Sec. 9.....	1068
EVIDENCE OF CLAIM,	
See " <i>Courts—Law Courts of Baltimore City,</i> " sub-title " <i>Speedy Judgment Act.</i> "	
EXAMINATION OF BOILERS,	
See " <i>Steam Boilers.</i> "	
EXAMINATION OF CANDIDATES FOR FIREMEN,	
See " <i>Fire Department,</i> " " <i>Examining Board of.</i> "	
Ords., Art. 11, Sec. 21....	744
EXAMINATION OF TITLES,	
See " <i>City Solicitor</i> "	
Acts, Sec. 62.....	134
Ords., Art. 5, Secs. 1-3.....	695
	696
EXAMINATIONS,	
candidates for teachers.	
Acts, Sec. 101.....	155
EXAMINATIONS FOR POLICE,	
See " <i>Police Examiners.</i> "	
EXAMINER OF TITLES,	
See " <i>City Solicitor.</i> "	
assistant City Solicitor to act as.	
Ords., Art. 5, Secs. 1-3.....	695
	696

	Page
EXAMINING ENGINEERS,	
Board Of Examining Engineers,	
—accounts of.	
Acts, Sec. 430.....	301
—appointment.	
Acts, Sec. 426.....	298
—authority and powers.	
Acts, Sec. 429.....	301
—bond.	
Acts, Sec. 426.....	298
—certificate book.	
Acts, Sec. 430.....	301
—certificate framed and displayed.	
Acts, Sec. 428.....	300
—certificate of proficiency.	
Acts, Sec. 427.....	298
—certificates, grades of.	
Acts, Sec. 427.....	299
—charges against Engineers.	
Acts, Sec. 428.....	300
—clerk to board, salary.	
Acts, Sec. 429.....	301
—Comptroller of State Treasury to inspect certificate book, accounting to.	
Acts, Sec. 430.....	301
—duties of Board.	
Acts, Sec. 427.....	298
—Engineers must have certificates.	
Acts, Sec. 428.....	299
—examination of applicants.	
Acts, Sec. 429.....	300
—examinations, advertisement of.	
Acts, Sec. 426.....	298
—exemptions.	
Acts, Sec. 428.....	299
—expenses, vouchers for.	
Acts, Sec. 430.....	301
—excess of fees over expenses.	
Acts, Sec. 430.....	301
—fees for certificates and renewals.	
Acts, Sec. 427.....	298
—fees in lieu of appropriation.	
Acts, Sec. 430.....	301
—first grade certificate.	
Acts, Sec. 427.....	299
—inspection of plants.	
Acts, Sec. 429.....	300
—locomotives, etc., engineers, exemption of.	
Acts, Sec. 428.....	300

	Page
EXAMINING ENG'R.—(Cont'd).	
Board Of Examining Engineers.—(Cont'd).	
—meetings of Board.	
Acts, Sec. 429.....	300
—note.....	299
—notice of holding examinations.	
Acts, Sec. 426.....	298
—oath of office.	
Acts, Sec. 426.....	298
—office.	
Acts, Sec. 426.....	298
—penalty for neglect to get certificate.	
Acts, Sec. 428.....	300
—penalty for obstructing Board.	
Acts, Sec. 429.....	301
—qualifications for Board.	
Acts, Sec. 426.....	298
—quarterly accounts.	
Acts, Sec. 430.....	301
—renewal of certificates.	
Acts, Sec. 427.....	298
—salaries.	
Acts, Sec. 430.....	301
—Secretary, salary.	
Acts, Sec. 430.....	301
—State Board of Boiler Inspectors, report to.	
Acts, Sec. 429.....	300
—stationary engineers all require certificates.	
Acts, Sec. 428.....	299
—substitute engineers.	
Acts, Sec. 427.....	299
—term of certificate, proviso.	
Acts, Sec. 427.....	299
—third grade certificate.	
Acts, Sec. 427.....	299

EXCHANGE, BILLS OF,
See "Bills of Exchange and Promissory Notes."

EXCHANGE STABLES,
 regulations for cows in.
 Ords., Art. 14, Sec. 38.... 808

EXECUTIONS,	
<i>See "Mortgages." "Special Police Fund."</i>	
bail recognizance, forfeiture of.	
Acts, Sec. §278e.....	248
issue of for officer's fees.	
Act, Sec. 384.....	292
officers for whose fees sheriff may execute.	
Acts, Sec. 385.....	292-293

EXECUTION, WRIT OF, Page

when J. P. shall issue.
Acts, Sec. 626..... 377

**EXECUTIVE DEPART-
MENTS,**

wherein vested.
Acts, Sec. 31.....109-110

executive power, wherein
vested.
Acts, Sec. 31..... 108

list of. 109

Mayor's chief Executive offi-
cer.
Acts, Sec. 31..... 108

**EXECUTORS AND ADMIN-
ISTRATORS,**

assessment of property in
hands of.
Acts, Sec. 168..... 183

**EXEMPTION FROM CIVIL
PROCESS,**

note..... 263

**EXEMPTIONS FROM TAX-
ATION,**

manufacturing tools, etc.
Ords., Art. 38, Secs. 7-
9..... 1157-1159

property exempted.
Acts, Sec. 6..... 84

EXITS OF BUILDINGS,

when to be kept open, reg-
ulation of, penalty.
Acts, Sec. 280..... 252

EXPECTORATION,

*See "Health" and "Nui-
sances."*
Ords., Art. 14, Sec. 101.. 828

EXPENSES,

Burnt District Commission,
appropriations for.
App. A, Sec. 29.....1257-1258

payment of.
App. A, Sec. 22.....1253-1254

EXPENSES, Page

City Council— (*See "City
Council."*)

city government, levy for ex-
penses of.
Acts, Sec. 6..... 84

communicable diseases, pre-
cautionary measures.
App. B, Sec. 5.....1268

grading, paving, etc., assess-
ments for, deficit and ex-
cess of.
Ords., Art. 35, Secs. 99,
1001130

police department.
Acts, Sec. 747..... 459

primary elections, cost of.
App. C. Sec. 1.....1272

removal of nuisances—col-
lection of expenses.
Ords., Art. 14, Sec. 89.... 824

—sale of property to.
Ords., Art. 14, Sec. 90.... 824
..... 825

sewers—assessment of ex-
penses.
Ords., Art. 33, Sec. 6....1063

EXPLOSIVES, ETC.

manufacture prohibited, pen-
alty.
Ords., Art. 11, Sec. 69.... 759

storage of—tin sign on build-
ing required.
Ords., Art. 11, Sec. 71.... 760

transportation and storage of,
permit for, penalty.
Ords., Art. 11, Sec. 70.... 759

**EXPOSING MUSEUMS OF
ANATOMY.**

penalty, police regulations.
Ords., Art. 25, Sec. 62.... 977
..... 978

EXPRESS WAGONS,

See "Vehicles."

**EXTENSIONS OF GRANTS
AND FRANCHISES,**

See "Franchises."
Acts, Sec. 12..... 97

Page

EXTENSION OF WHARVES,

prohibited without permit,
penalty.
Ords., Art. 13, Sec. 11.... 776

EXTRA COMPENSATION,

See "Justices of the Peace,"
"Police Commissioners."

contractors with city not to be
granted or allowed, excep-
tion where loss to contrac-
tor is caused by city or its
agents.
Ords., Art. 1, Sec. 41.... 584

not to be granted to officers
or agents of city, exception
when duties are increased.
Ords., Art. 1, Sec. 40.... 584

EXTORTIONATE CHARGES,

*See "Hackney Carriages and
Coaches."*

FALSE ALARM OF FIRE,

See "Fire Department."
penalty for.
Ords., Art. 11, Sec. 50.... 753
..... 754

reward for persons giving.
Ords., Art. 11, Sec. 51.... 754

**FALSE WEIGHTS AND
MEASURES,**

seizure and sale of.
Ords., Art. 17, Sec. 21.... 883

FAMILIES OF POLICEMEN,

See "Police Commissioners."

FANCY BALLS,

licenses for; cost of licences.
Ords., Art. 41, Sec. 12.... 1199

**FARES ON STREET RAIL-
WAYS,**

*See "Railroads and Rail-
ways."*

FARM PRODUCTS,

*See "Peas and Beans" and
"Barrels."*

exempt from licenses, when
sold by farmers.
Ords., Art. 41, Sec. 14
..... 1200-1201

**FARM SCHOOL, Mc-
DONOGH INSTITUTE,**

investment of funds of.
Ords., Art. 22, Sec. 5.... 910

FARMERS,

sale of meat in markets by
permitted; proviso.
Ords., Art. 23, Sec. 29.... 928
—produce by.
Ords., Art. 23, Sec. 24.. 927

FARMERS IN MARKETS,

sales by, (*See "Markets."*)

FAYETTE STREET,

vehicles; stands for prohibit-
ed.
Ords., Art. 4, Sec. 39..... 693

FEE SIMPLE INTEREST,

distinguished from leasehold
in sewer condemnations.
Ords., Art. 33, Sec. 17.. 1071

FEES,

additional, to State's Attorney
in extraordinary cases.
Acts, Sec. 438..... 304

attachment, arrest, etc., (*See
"Sheriff."*)

city not to pay fees to any
Justice of the Peace, police
officer or constable.
Acts, Sec. 639..... 383

City Register—collection of
and accounting by.
Ords., Art. 6, Sec. 27.... 707

distrain or execution for;
notice of distress or execu-
tion to be given.
Acts, Sec. 386..... 293

examining engineers, dispo-
sition of.
Acts, Sec. 430..... 301

	Page		Page
FEES.—(Cont'd).		FEMALE NOTARIES PUBLIC,	
Harbor Master's, from foreign vessels, (<i>See</i> " <i>Harbor, Docks and Wharves.</i> ").....	313	<i>See</i> " <i>Notaries Public.</i> "	
inspections, etc. (<i>See</i> " <i>Steam Boilers.</i> ")		FENDERS ON CARS,	
keepers of standards of weights and measures; compensation of. Ords., Art. 17, Sec. 16....	881	passenger railways to provide. Acts, Sec. 6.....	66
Licenses,		FERRIES,	
carriage, etc., licenses. Ords., Art. 41, Sec. 80.....	1226	Broadway and Locust Point Steam Ferry Company,	
—market stalls, charge for. Ords., Art. 23, Sec. 17....	924	—agricultural products, landing of. Acts, Sec. 431.....	302
removed cases, fee of State's Attorney. Acts, Sec. 349.....	280	—boats, requirements for, schedule of. Acts, Sec. 435.....	303
Sheriff may execute for. Acts, Secs. 384, 385....	292-293	—boats, landing for. Acts, Sec. 432.....	302
Superintendent of Lamps and Lighting to pay to Comptroller. Acts, Sec. 204.....	208	—Broadway, wharf at foot of, erect gates, etc. Acts, Sec. 434.....	303
Tuition,		—buildings, authority to erect. Acts, Sec. 431.....	302
<i>See</i> " <i>Schools</i> " sub-title " <i>Tuition.</i> " Ords., Art. 32, Secs. 33-34.....	1054-6	—charges, tariff of. Acts, Sec. 436.....	303
Warden of Jail to account for. Acts, Sec. 133.....	166	—"county" wharf, use of. Acts, Sec. 431.....	302
FELLS POINT MARKET,		—fare, rates of. Acts, Sec. 436.....	303
<i>See</i> " <i>Markets.</i> " Ords., Art. 23, Sec. 27....	928	—firemen on duty pass free. Acts, Sec. 437.....	304
provisions relating to. Ords., Art. 23, Secs. 78-85.....	942-944	—fruits, landing of. Acts, Sec. 431.....	302
FELONIES AND MISDEMEANORS,		—funerals pass free. Acts, Sec. 437.....	304
bail in. Acts, Sec. §278h.....	249	—gates and ticket houses, erect. Acts, Sec. 434.....	303
Fire Department, injury to apparatus of. Acts, Sec. 446.....	308	—Haubert street wharf exclusive use. Acts, Sec. 432.....	302
FEMALE HOUSE OF REFUGE,		—hold, lease, rent, sell, etc., land. Acts, Sec. 431.....	302
<i>See</i> " <i>Houses of Refuge and Reformation.</i> "		—incorporation of. Acts, Sec. 431.....	302
		—policemen pass free. Acts, Sec. 437.....	304
		—powers. Acts, Sec. 431.....	302
		—rates of fare. Acts, Sec. 436.....	303
		—right of way at wharves. Acts, Sec. 431.....	302
		—schedule of runs of boats, proviso. Acts, Sec. 435.....	303

	Page
FERRIES. —(Cont'd).	
Broadway and Locust Point Steam Ferry Co. —(Cont'd).	
—tariff of charges.	
Acts, Sec. 436	303
—ticket houses and gates, erection of.	
Acts, Sec. 434	303
—vegetables, landing of.	
Acts, Sec. 431	302
—wharves, erection of.	
Acts, Sec. 431	302
—wharves, penalty for use by others.	
Acts, Sec. 433	303

FERRY BOATS,

See "Thieves and Pickpockets."

FINANCE,

See "Commissioners of Finance" and "Stocks, Loans and Finance."

board of—(*See Board of Finance.*)

department of—(*See "City Collector" and "Commissioners of Finance."*)

City Collector, head of fifth sub-department of.

 Acts, Sec. 42

122

composition of Acts, Sec. 32.... 109

officials constituting same.

 Acts, Sec. 32

110

FINANCE, STOCKS LOANS AND,

See "Stocks, Loans and Finance."

FINES AND IMPRISONMENTS,

limits of, defined.

 Acts, Sec. 6

94

FINES, FORFEITURES AND PENALTIES,

See under particular heads relating to the various officials, departments and matters of municipal interest.

absent members of City Council; collection of fines from.

 Ords., Art. 1, Sec. 15.... 576

FINES, Etc.—(Cont'd).

	Page
action for recovery, any city officer to bring.	
Ords., Art. 10, Sec. 1....	729
aliens, landing within fifty miles of city.	
Acts, Sec. 525	335
ambulances, obstructing or hindering.	
Ords., Art. 16, Sec. 15....	873
arrest of offenders.	
Acts, Sec. 444	306
assault and battery.	
Acts, Sec. 229	231
assaulting firemen, penalty.	
Acts, Sec. 447	308
blasting without permit.	
Ords., Art. 11, Sec. 73....	760
Board of Park Commissioners, power to impose.	
Acts, Sec. 92	149
city receives one-half.	
Acts, Sec. 438	304
costs of prosecution not to be remitted.	
Ords., Art. 6, Sec. 6	730
criminal offence defined.	
Acts, Sec. 444	306
destroying property maliciously.	
Acts, Sec. 491	297
dispensaries to receive fines—from keepers of houses of ill-fame.	
Acts, Sec. 439	305
—requirements for.	
Acts, Sec. 440	305
—to report number of patients, etc.	
Acts, Sec. 440	305
driving cattle, etc., in streets, police regulations.	
Ords., Art. 25, Secs. 11-31	964-69
fees for recovery of forbidden.	
Acts, Sec. 639	384
firearms and pistols, police regulations.	
Ords., Art. 25, Secs. 78-85	985-7

	Page
FINES, Etc.—(Cont'd).	
fish, sales under weight.	
Acts, Sec. 457.....	311
gasoline, fire precautions, violations.	
Ords., Art. 11, Sec. 79....	764
gunpowder, carriage through city.	
Ords., Art. 11, Sec. 80..	764
—storage of.	
Ords., Art. 11, Sec. 81....	765
Grand Jury, clerk to, oath of secrecy.	
Acts, Sec. 604D.....	363
Health Department badges, penalty for unauthorized use.	
Ords., Art. 14, Sec. 8.....	798
hospitals treating city's in- sane—delinquency of.	
Ords., Art. 16, Sec. 13....	873
—violations thereunder.	
Ords., Art. 16, Sec. 16....	873
houses of ill-fame, disposition of fines from keepers of.	
Acts, Sec. 439.....	305
immigrant paupers, failure of owners of vessels to give bond for.	
Acts, Sec. 520.....	333
imprisonment when fines and costs not paid, terms of.	
Acts, Sec. 443.....	306
indictment for violation of provisions of Acts of Assem- bly or ordinance.	
Acts, Sec. 444.....	307
informers, rights of, unaffected.	
Acts, Sec. 438.....	304
—to get no part of.	
Ords., Art. 10, Sec. 4.....	730
insane asylums, locating in city.	
Ords., Art. 16, Sec. 3.....	869
jail sentence, appropriation for remission.	
Ords., Art. 10, Sec. 7.....	731
—Mayor may remit with costs.	
Ords., Art. 10, Sec. 7.....	731

	Page
FINES, Etc.—(Cont'd).	
jurors—absence from duty.	
Acts, Sec. 611.....	369
—dereliction of duty in re- lation to,	
Acts, Sec. 620.....	373
—fraud in drawing.	
Acts, Sec. 614.....	371
—sheriff's liability for fraud, Acts, Sec. 616.....	371
Justices of the Peace, account- ing by for same.	
Acts, Secs. 643, 644.....	385
—affidavit when no collec- tions by.	
Acts, Sec. 645.....	386
—excessive fees extorted by.	
Acts, Sec. 656.....	390
—may impose same.	
Acts, Sec. 633.....	381
—Mayor to present delin- quent Justices to grand jury.	
Ords., Art. 10, Sec. 2.....	729
—return of fines to State Treasurer.	
Acts, Sec. 475.....	316
larceny, sales of goods by children, false certifying by parent.	
Acts, Sec. §656b.....	391
licenses, billiards, unlicensed tables.	
Acts, Sec. 659.....	396
—horse dealers, unlicensed, proviso.	
Acts, Sec. 662.....	397-8
—liquor, sales without li- cense.	
Acts, Sec. 684.....	417-18
" " 688.....	419-20
—liquors, violations of li- cense requirements.	
Acts, Sec. 685.....	418
—pawnbrokers, violations of provisions for.	
Act, Sec. 692.....	422-3
Acts, Sec. 693.....	423
—recovery when imposed hereunder.	
Ords., Art. 41, Sec. 86....	1228
liquor in City Jail, penalty.	
Acts, Sec. 135.....	166
markets, fees, illegal collec- tion of.	
Acts, Sec. 708.....	430-31

	Page
FINES, Etc.—(Cont'd).	
masters of vessels arriving with aliens, failure to report to Mayor. Acts, Sec. 519.....	333
matches, etc., near inflammable stores on wharves, etc. Ords., Art. 11, Sec. 65....	757
midwives, homes, etc., boarding infants without license. Acts, Sec. §493i.....	324
money due city, presentment to grand jury for withholding same. Ords., Art. 10, Sec. 2.....	729
non-pros, informer liable for costs. Ords., Art. 10, Sec. 3.....	730
note, case cited.....	729
Oils,	
manufacture of. Ords., Art. 11, Sec. 84....	766
—manufacture and storage of, recovery of. Ords., Art. 11, Sec. 88....	767
—storage of, sale of, restrictions. Ords., Art. 11, Sec. 87....	766
—unlawful sale of. Acts, Secs. 451, 453, 455.....	310, 311
oysters, sales without measuring. Acts, Sec. 735.....	443
pollution of water; fines recoverable in Baltimore County and City and one-half to go to informer. Acts, Sec. 905.....	564
Pratt street wharf, penalty for landing wood on. Acts, Sec. 473.....	316
railroads, coupon tickets, stop-over, etc. Acts, Sec. §792d.....	490
—hours of labor. Acts, Sec. 795.....	491
—safety gates at grade crossings. Acts, Sec. 792.....	489
real estate brokers, failure to procure license. Acts, Sec. 696.....	425

	Page
FINES, Etc.—(Cont'd).	
remitted fines; list to City Register; proviso. Ords., Art. 10, Sec. 6.....	730
report of dispensaries receiving fines. Acts, Sec. 440.....	305
seats for female employes, penalty for failure to provide. Acts, Sec. 506.....	325
security for fines and costs not allowed. Acts, Sec. 443.....	305
sentence on conviction in criminal cases. Acts, Sec. 444.....	307
shavings, deposit of and burning. Ords., Art. 11, Sec. 66....	758
sheriff liable on bond for payment of monies collected. Acts, Sec. 442.....	305
State's Attorney of city; additional fees from. Acts, Sec. 438.....	304
steam boilers; violation of inspection laws. Acts, Sec. 589.....	355
stevedores, failure to take out license. Acts, Sec. §700a.....	427
storage and transportation of explosives. Ords., Art. 11, Sec. 70....	759
storing explosives, tin sign on door. Ords., Art. 11, Sec. 71....	760
suits for recovery of. Ords., Art. 10, Sec. 1.....	729
superseded judgments for, collection after expiration of stay. Ords., Art. 10, Sec. 5.....	730
—officer serving summons to file copy with City Register, penalty. Ords., Art. 10, Sec. 5.....	730

	Page
FINES, Etc.—(Cont'd).	
unclaimed fines, payable to city.	
Acts, Sec. 441.....	305
wood—unlawful sale of.	
Acts, Secs. 596, 597, 598..	358
FIRE,	
<i>See "Fire Department" and "Fire Regulations."</i>	
alarms—police to turn in.	
Ords., Art. 11, Sec. 47....	752
general powers.	
Acts, Sec. 6.....	50
police regulations.	
Ords., Art. 25, Sec. 32-35.....	969-70
Veteran Volunteer Firemen's Association.	
Acts, Sec. 448.....	309
FIRE ALARM AND POLICE TELEGRAPH,	
<i>See "Police Commissioners."</i>	
FIRE ALARM TELEGRAPH,	
<i>See "Fire Department"</i>	
FIREARMS AND PISTOLS,	
<i>See "Pistols and Firearms."</i>	
FIRECRACKERS,	
sales prohibited, penalty.	
Ords., Art. 11, Sec. 58....	756
FIRE COMMISSIONERS,	
BOARD OF,	
<i>See "Fire Department," sub-title "Board of Fire Commissioners."</i>	
FIRE DEPARTMENT,	
Board of Fire Commissioners.	
—additional apparatus and equipment provision for.	
Ords., Art. 11, Sec. 14,	741
—annual report, meetings, accounts.	
Ords., Art. 11, Sec. 5,	737
—apparatus and equipment of department.	
Ords. Art. 11, Sec. 14,	741
—penalty for injury to.	
Acts, Sec. 446,.....	308

	Page
FIRE DEPT.—(Cont'd).	
Board of Fire Com.—(Cont'd).	
—appointment, authority, duties; salaries.	
Acts, Sec. 69,.....	137
—of employes, removal of, etc.	
Ords. Art. 11, Sec. 4,	737
—appropriation for pensions and relief of widows and children of firemen.	
Acts, Sec. 445,.....	307
—not to be exceeded.	
Ords., Art. 11, Sec. 8,	738
—assaulting firemen, penalty.	
Acts, Sec. 447,.....	308
—authority at fires, full control of persons and property.	
Ords., Art. 11, Sec. 6,	738
—badges of newspaper representatives, control of.	
Ords., Art. 25, Sec. 63,	978
—benefit payment to family of members killed on duty.	
Ords., Art. 11, Sec. 11,	739
—burning shavings on vacant lots.	
Ords., Art. 11, Sec. 66,	758
—care of members during illness.	
Ords., Art. 11, Sec. 9,	739
—C. & P. Telephone Company, conduits of space in for fire alarms and police patrol wires.	
Ords., Art. 9, Sec. 22,	727
—city council to inspect books and accounts.	
Ords., Art. 11, Sec. 5,	737
—clerk and assistant clerk to board, appointment.	
Ords., Art. 11, Sec. 1,.....	735
—death of members on duty, payment to family.	
Ords., Art. 11, Sec. 11,	739
—disability of member, certificate of, no deduction of salary when presented.	
Ords., Art. 11, Sec. 9,	739
—duties and powers during fires.	
Ords., Art. 11, Sec. 6,	737
—Electrical Commission, president, member of, <i>ex-officio</i> .	
Ords., Art. 9, Sec. 1,	718

	Page
FIRE DEPT.—(Cont'd).	
Board of Fire Com.—(Cont'd).	
—employes, appointment, removal.	
Ords., Art. 11, Sec. 4,	737
—not to act as election officers.	
Ords., Art. 11, Sec. 4,	737
—expenditures and purchases, authority to make.	
Ords., Art. 11, Sec. 8,	738
—ferries; firemen and apparatus to pass free when on duty.	
Acts, Sec. 437,	304
—fire escapes approval of.	
Ords., Art. 3, Sec. 85,	629
—firemen, number of, on manual force.	
Ords., Art. 11, Sec. 2,	735
—firemen, retirement when disabled.	
Acts, Sec. 70,	137
—funeral expenses of members without families, payment of.	
Ords., Art. 11, Sec. 11,	739
—illness of firemen, no deduction of salary for certificate of disability.	
Ords., Art. 11, Sec. 9,	739
—injury on duty, no deduction of pay for disability from.	
Ords., Art. 11, Sec. 10,	739
—benefit insurance, board to effect on firemen.	
Ords., Art. 11, Sec. 12,	740
—of substitute firemen on duty.	
Ords., Art. 11, Sec. 13,	740
—insurance on lives of firemen, board to effect.	
Ords., Art. 11, Sec. 12,	740
—meetings, accounts and annual reports.	
Ords., Art. 11, Sec. 5,	737
—membership and personnel of department.	
Ords., Art. 11, Sec. 2,	735
—members, salaries of.	
Ords., Art. 11, Sec. 3,	736
—not to act as election officers.	
Ords., Art. 11, Sec. 7,	737
—Municipal Telephone Exchange.	
Ords., Art. 11, Sec. 44,	751
note to Sec. 4,	735

	Page
FIRE DEPT.—(Cont'd).	
Board of Fire Com.—(Cont'd).	
—obstructing wagons of salvage corps, penalty.	
Ords., Art. 11, Sec. 46,	752
—operators of Municipal Telephone Exchange appointment.	
Ords., Art. 11, Sec. 44,	751
—ordinances relating to Fire Department, chronological list of.	735
—penalty for depositing shavings on vacant lots.	
Ords., Art. 11, Sec. 66,	758
—penalty for obstructing salvage corps.	
Ords., Art. 11, Sec. 46,	752
—pension and relief of widows and children.	
Acts, Sec. 70,	138
Acts, Sec. 445,	307
—personnel of department.	
Ords., Art. 11, Sec. 2,	735
—posting copies of rules of department in engine houses etc.	
Ords., Art. 11, Sec. 7,	738
—powers and duties during fires, proviso.	
Ords., Art. 11, Sec. 6,	738
—proceedings, meetings, accounts.	
Ords., Art. 11, Sec. 5,	737
—property of department, to control.	
Ords., Art. 11, Sec. 8,	738
—public safety, sub-department of.	
Acts, Sec. 69,	137
—removal of employes.	
Ords., Art. 11, Sec. 4,	737
—report, annual, of expenditures, etc., copies of for Mayor and City Council.	
Ords., Art. 11, Sec. 5,	737
—reserve equipment, to provide as authorized.	
Ords., Art. 11, Sec. 14,	741
—rules of department, to prepare and post.	
Ords., Art. 11, Sec. 7,	738
—salaries of firemen, no deduction for sickness, certificate of disability.	
Ords., Art. 11, Sec. 9,	739
—to continue during disability received on duty	
Ords., Art. 11, Sec. 10,	739

	Page
FIRE DEPT.—(Cont'd).	
Board of Fire Com.—(Cont'd).	
—salvage corps, right of way to fires.	
Ords., Art. 11, Sec. 45,	752
—shavings, deposit on vacant lots, penalty.	
Ords., Art. 11, Sec. 66,	758
—sick benefit insurance of firemen, board to effect.	
Ords., Art. 11, Sec. 12,	740
—sickness of firemen, no deduction of pay for, certificate of.	
Ords., Art. 11, Sec. 9,	739
—subordinates of, board to appoint and fix compensation.	
Acts, Sec. 69.....	137
—manual force of department.	
Ords., Art. 11, Sec. 2,	735
—not to act as election officers.	
Ords., Art. 11, Sec. 4,	737
—substitute firemen injured on duty, relief of.	
Ords., Art. 11, Sec. 13,	740
—telephone operators of Municipal Telephone Exchange, appointment.	
Ords., Art. 11, Sec. 44,	751
—temporary school buildings, approval of by.	
Ords., Art. 32, Sec. 4,	1044
—uniform, unauthorized use of, penalty.	
Ords., Art. 11, Sec. 53,	754
—wagons, etc., driven over hose in use, penalty, proviso.	
Ords., Art. 11, Sec. 49,	753
—of salvage corps, right of way to fires.	
Ords., Art. 11, Sec. 45,	752
—wharves, piers, etc., precautions on, penalty.	
Ords., Art. 11, Sec. 64,	757
—wives of firemen, payment of death benefits to.	
Ords., Art. 11, Sec. 12,	740
Chief Engineer, Duties and Authority,	
—admission and discharge of firemen, records of.	
Ords., Art. 11, Sec. 18,	742
—alteration and repair of engines and apparatus.	
Ords., Art. 11, Sec. 17,	742
—apparatus at fires, arrangement of.	
Ords. Art. 11, Sec. 16,	741

	Page
FIRE DEPT.—(Cont'd).	
Chief Engineer, Etc.—(Cont'd).	
—authority of district engineer in absence of chief engineer.	
Ords., Art. 11, Sec. 16,	741
—command of, at fires, supreme.	
Ords., Art. 11, Sec. 17,	741
—company returns, to receive and transmit to board.	
Ords., Art. 11, Sec. 18,	742
—duties, examine into, keep record of, report on fires, etc.	
Ords., Art. 11, Sec. 40,	750
—engine houses, lighting lamps in front of.	
Ords., Art. 11, Sec. 43,	751
—district engineer, authority of, in absence of chief engineer.	
Ords., Art. 11, Sec. 19,	742
—engines, alteration and repair of.	
Ords., Art. 11, Sec. 17,	742
—engine houses and equipment, inspection of.	
Ords., Art. 11, Sec. 17,	742
—extinguishment of fires, authority in.	
Ords., Art. 11, Sec. 17,	741
—order and observance of law at fires, to maintain.	
Ords., Art. 11, Sec. 17,	742
—proceed to fires and arrange apparatus.	
Ords., Art. 11, Sec. 16,	741
—property, protection of at fires.	
Ords., Art. 11, Sec. 17,	741
—report on equipment, etc., to board.	
Ords., Art. 11, Sec. 17,	742
—of companies, to receive and transmit to board.	
Ords., Art. 11, Sec. 18,	742
—rolls of companies, admission, discharge, etc. of firemen.	
Ords., Art. 11, Sec. 18,	742
Examining Board of Fire Department,	
—appointment of, by Mayor.	
Ords., Art. 11, Sec. 20,	743
—of candidates for firemen from graded lists.	
Ords., Art. 11, Sec. 20,	743

	Page
FIRE DEPT.—(Cont'd).	
Chief Engineer, Etc.—(Cont'd).	
—or promotion of firemen, certificate of.	
Ords., Art. 11, Sec. 22,	744
—candidate for appointment or promotion, examination of.	
Ords., Art. 11, Sec. 20,	743
—certificate of board to fitness of appointees.	
Ords., Art. 11, Sec. 22,	744
—clerk of board, duties.	
Ords., Art. 11, Sec. 23,	744
—competitive examination of applicants.	
Ords., Art. 11, Sec. 20,	743
—composition of board.	
Ords., Art. 11, Sec. 20,	743
—conduct of examinations, rules for.	
Ords., Art. 11, Sec. 21,	744
—duties of board, examination of candidates, furnish graded lists of, etc.	
Ords., Art. 11, Sec. 20,	743
—of clerk to board.	
Ords., Art. 11, Sec. 23,	744
—duties of Chief Engineer at.	
Ords., Art. 11, Secs. 16,	
17.....	741
—examination and investigation of candidates.	
Ords., Art. 11, Sec. 20,	743
—rules for conducting.	
Ords., Art. 11, Sec. 21,	744
—fitness of appointees, certificate of board to.	
Ords., Art. 11, Sec. 22,	744
—of applicant for position to be sole question with board.	
Ords., Art. 11, Sec. 24,	744
—graded lists, to furnish to Board of Fire Commissioners.	
Ords., Art. 11, Sec. 20,	743
—lists of names, public to inspect.	
Ords., Art. 11, Sec. 23,	744
—marking candidates on lists, order of.	
Ords., Art. 11, Sec. 21,	744
note to Sec. 20,	743
—oath of impartiality of members of board, record of.	
Ords., Art. 11, Sec. 24,	744

	Page
FIRE DEPT.—(Cont'd).	
Chief Engineer, Etc.—(Cont'd).	
—political adherence not to influence board.	
Ords., Art. 11, Sec. 24,	745
—president of board.	
Ords., Art. 11, Sec. 23,	744
—proceedings of board, clerk to record.	
Ords., Art. 11, Sec. 23,	744
—public inspection of graded lists.	
Ords., Art. 11, Sec. 23,	744
—qualifications of candidates, board to ascertain.	
Ords., Art. 11, Sec. 20,	743
—records of board.	
Ords., Art. 11, Sec. 23,	744
—religious belief not to influence board.	
Ords., Art. 11, Sec. 24,	745
—rules for conduct of examinations, board to adhere to, record of.	
Ords., Art. 11, Sec. 21,	744
Fire Alarm Telegraph,	
—appointment of Superintendent, qualifications, duties.	
Ords., Art. 11, Sec. 25,	745
—of telegraphers.	
Ords., Art. 11, Sec. 26,	746
—of linemen, assistants and battery men.	
Ords., Art. 11, Sec. 27,	746
—battery man, duties, etc., bond.	
Ords., Art. 11, Sec. 30,	747
—bond of battery man, linemen and assistants, duties.	
Ords., Art. 11, Sec. 30,	747
—Superintendent.	
Ords., Art. 11, Sec. 28,	746
—telegraphers.	
Ords., Art. 11, Sec. 29,	747
—boxes, fire alarm signal, in hotels, public halls, etc., cost of.	
Ords., Art. 11, Sec. 32,	748
—Chesapeake and Potomac Telephone Company, use of conduits of, for fire alarm wires.	
Ords., Art. 11, Sec. 35,	749

FIRE DEPT.—(Cont'd).

Page

Fire Alarm Telegraph—(Cont'd).

- duties of Superintendent, test and repair instruments, accounts, records, annual report.
Ords., Art. 11, Sec. 28 746
- of telegraphers, receive and transmit alarms.
Ords., Art. 11, Sec. 29 747
- of linemen and battery-man.
Ords., Art. 11, Sec. 30 747
- fire alarm signal boxes in public halls, etc., cost of.
Ords., Art. 11, Sec. 32 748
- connection with regular wires.
Ords., Art. 11, Sec. 33 748
- in public halls, etc., under supervision of department.
Ords., Art. 11, Sec. 34 749
- injury to poles of, penalty.
Ords., Art. 11, Sec. 31.. 747
- false alarm, punishment for
Ords., Art. 11, Sec. 50753-4
- hose in use, driving over, punishment, proviso.
Ords., Art. 11, Sec. 49 753
- lineman and assistants, appointment.
Ords., Art. 11, Sec. 27 746
- duties of.
Ords., Art. 11, Sec. 30 747
- note 747
- operators, duties, bond.
Ords., Art. 11, Sec. 29 747
- poles of, penalty for injury to.
Ords., Art. 11, Sec. 31 747
- qualifications of Superintendent.
Ords., Art. 11, Sec. 25 745
- signal boxes, interfering with use of, penalty.
Ords., Art. 11, Sec. 48 753
- keys of, penalty for unauthorized possession.
Ords., Art. 11, Sec. 52 754
- in hospitals, theatres, etc., cost of.
Ords., Art. 11, Sec. 32 748
- Superintendent, appointment, qualifications.
Ords., Art. 11, Sec. 25 745

FIRE DEPT.—(Cont'd).

Page

Fire Alarm Telegraph—(Cont'd).

- duties, bond.
Ords., Art. 11, Sec. 28 746
- supervision of signal boxes in public places.
Ords., Art. 11, Sec. 34 748
- telegraphers, appointment of.
Ords., Art. 11, Sec. 26 746
- duties, receive and transmit alarms, bond.
Ords., Art. 11, Sec. 29 747

Fire Inspector,

- appointment by insurance companies.
Ords., Art. 11, Sec. 40 750
- arrest of incendiaries, reward for.
Ords., Art. 11, Sec. 42 751
- commission of, by Mayor.
Ords., Art. 11, Sec. 40 750
- compensation by insurance companies.
Ords., Art. 11, Sec. 40 750
- conviction of incendiaries, reward for.
Ords., Art. 11, Sec. 42 751
- dynamite, etc., storage of, permit, penalty.
Ords., Art. 11, Sec. 70 759
- storing of.
Ords., Art. 11, Sec. 71 760
- examine buildings for compliance with fire regulations.
Ords., Art. 11, Sec. 40 750
- expenses of, city not liable for.
Ords., Art. 11, Sec. 40 750
- fire regulations to enforce.
Ords., Art. 11, Sec. 40 750
- incendiaries, reward for apprehension of.
Ords., Art. 11, Sec. 42 751
- nitro-glycerine, dynamite, etc., manufacture of, permit, penalty.
Ords., Art. 11, Sec. 69 759
- obstructing Inspector, penalty.
Ords., Art. 11, Sec. 40 750
- pay of, provision for.
Ords., Art. 11, Sec. 40 750
- penalty for obstructing.
Ords., Art. 11, Sec. 40 750
- failure to secure vacant

	Page
FIRE DEPT.—(Cont'd).	
Fire Inspector.—(Cont'd).	
houses after notice.	
Ords., Art. 11, Sec. 40	750
—police to inform Inspector of vacant unsecured houses.	
Ords., Art. 11, Sec. 41	751
—proviso as to salary, city not liable for.	
Ords., Art. 11, Sec. 40	750
—report monthly to Mayor, on fires.	
Ords., Art. 11, Sec. 40	750
—reward for incendiaries.	
Ords., Art. 11, Sec. 42	751
—salary of, insurance companies to pay.	
Ords., Art. 11, Sec. 40	750
—vacant house, duty of police, duty of Inspector.	
Ords., Art. 11, Sec. 41	751
Fire Plugs, Screws and Suction Tubes,	
—access to fire plugs, penalty for obstructing.	
Ords., Art. 11, Sec. 39....	750
—Chief Engineer and assistants to control plugs at fires.	
Ords., Art. 11, Sec. 38....	749
—fire plugs to conform to standard.	
Ords., Art. 11, Sec. 37....	749
—control of at fires.	
Ords., Art. 11, Sec. 38....	749
—obstructing access to, penalty.	
Ords., Art. 11, Sec. 39..	750
—hose, standard screw for.	
Ords., Art. 11, Sec. 39...	749
—obstructing access to plugs, penalty.	
Ords., Art. 11, Sec. 36 ...	750
—openings of standard suction tube and hose.	
Ords., Art. 11, Sec. 36....	749
—plugs, penalty for obstructing access to.	
Ords., Art. 11, Sec. 39....	750
—to conform to standard.	
Ords., Art. 11, Sec. 37..	749
—control and use of, at fires.	
Ords., Art. 11, Sec. 38..	749
—standard screw of suction tubes and hose.	
Ords., Art. 11, Sec. 36....	749

	Page
FIRE DEPT.—(Cont'd).	
Interfering with Property of Fire Department,	
—alarms, police to turn in when fire occurs.	
Ords., Art. 11, Sec. 47	752
—conviction for false alarm, reward for.	
Ords., Art. 11, Sec. 51	754
—driving over hose in use, punishment for, proviso.	
Ords., Art. 11, Sec. 49	753
—duty of police on occurrence of fire.	
Ords., Art. 11, Sec. 47	752
—false alarms, penalty for.	
Ords., Art. 11, Sec. 50	753-754
—impersonating firemen, penalty.	
Ords., Art. 11, Sec. 53	754
—injuring property of department.	
Ords., Art. 11, Sec. 48	752
—keys of signal boxes, etc., unauthorized possession of, penalty.	
Ords., Art. 11, Sec. 52	754
—obstructions to apparatus on streets, penalty.	
Ords., Art. 11, Sec. 48	753
—police, duty on occurrence of fires.	
Ords., Art. 11, Sec. 47	752
—punishment for false alarm.	
Ords., Art. 11, Sec. 50	753-4
—property of department, injury to, penalty.	
Ords., Art. 11, Sec. 48....	752
—reward for persons giving false alarms.	
Ords., Art. 11, Sec. 51....	754
lamps in front of engine houses.	
Ords., Art. 11, Sec. 43..	751
FIRE DOORS AND SHUTTERS,	
<i>See "Buildings" and "Fire Regulations."</i>	
Ords., Art. 3, Secs. 79-80.....	627

	Page
FIRE ESCAPES,	
<i>See "Buildings" and "Inspector of Buildings."</i>	
sweat-shops to be provided with, penalty.	
Acts, Sec. 280.....	252-253
FIRE ESCAPES AND ALARMS,	
where required.	
Ords., Art. 3, Sec. 83....	628
FIRE EXITS,	
<i>See "Buildings" and "Inspector of Buildings."</i>	
notice to owners to provide.	
Acts, Sec. 80.....	142
penalty for absence of.	
Acts, Sec. 81.....	142
FIRE HYDRANTS,	
<i>See "Hydrants."</i>	
Ords., Art. 40, Secs. 16-17.....	1182-1183
FIRE INSPECTOR,	
<i>See "Fire Department."</i>	
FIREMEN,	
<i>See "Fire Department."</i>	
assaults upon.	
Acts, Sec. 447.....	308
pensions for when disabled and superannuated.	
Acts, Sec. 6.....	50
Acts, Sec. 70.....	138
—amount of pension.	
Acts, Sec. 6.....	50
—appropriations for pensions.	
Acts, Sec. 6.....	50
when to be retired.	
Acts, Sec. 6.....	50
FIRE PLUGS,	
<i>See "Fire Department."</i>	
control at fires—Chief Engineer to have.	
Ords., Art. 11, Sec. 38..	749
mis-use, or unauthorized use of, police to report.	
Ords., Art. 25, Sec. 115..	996
obstruction of, penalty.	
Ords., Art. 11, Sec. 39..	750

	Page
FIREPROOF CONSTRUCTION,	
<i>See "Buildings."</i>	
Ords., Art. 3, Secs. 93-97.....	632-633
FIREPROOFING,	
<i>See "Buildings" sub-titles, "Fire Regulations" and "Fireproof Building Materials."</i>	
Ords., Art. 3, Sec. 82....	628
FIRE SHUTTERS AND DOORS,	
arrangement, closing, opening, etc., proviso.	
Ords., Art. 25, Sec. 32....	969
FIREWOOD, SALE OF,	
<i>See "Inspections, Weights and Measures."</i>	
Ords., Art. 17, Sec. 32....	886
FIREWORKS IN CITY,	
crackers, squibs, etc., prohibited, penalty.	
Ords., Art. 11, Sec. 57..	755
FIRING OF CRACKERS,	
power to regulate and prohibit.	
Acts, Sec. 6.....	50
FIRING PISTOLS, ETC.,	
penalty for, in city or on vessels in harbor.	
Ords., Art. 25, Sec. 83..	986
FIRE REGULATIONS,	
<i>See "Fire" and "Fire Department."</i>	
Fire Gongs In Hotels,	
—apartment houses.	
Acts, Sec. §447a.....	308
—buildings in which required.	
Acts, Sec. §447a.....	308
—buildings exempt.	
Acts, Sec. §447d.....	309
—installation.	
Acts, Sec. §447a.....	308
—location.	
Acts, Sec. §447b.....	308
—penalty.	
Acts, Sec. §447c.....	309

FIRE REGULATIONS.—(Cont'd).**Fire Gongs In Hotels.**—(Cont'd).

- placing.
Acts, Sec. §447b..... 308
- proviso.
Acts, Sec. §447d..... 309
- ringing gongs.
Acts, Sec. §447a..... 308
- size, Inspector of Build-
ings to designate.
Acts, Sec. §447b..... 308

Gasoline, Naphtha and Benzine,

- amount to be stored at
one time.
Ords., Art. 11, Sec. 74.. 761
- automatic closing cans for.
Ords., Art. 11, Sec. 75.. 761
- automobiles, filling tanks
of.
Ords., Art. 11, Sec. 75.. 762
- automobile storage sta-
tions, provisions for.
Ords., Art. 11, Sec. 75.. 761
- cans, purchaser to furnish
in sales for domestic
use.
Ords., Art. 11, Sec. 78.. 763
- cans, requirements for,
open vessels prohibited.
Ords., Art. 11, Sec. 75.. 761
- cleaners, dyers, etc., ex-
cepted.
Ords., Art. 11, Sec. 77.. 762
- cocks and valves not to
leak.
Ords., Art. 11, Sec. 76.. 762
- cooking, heating, etc.,
provisions for use in.
Ords., Art. 11, Sec. 77.. 763
- dealers name to be stamp-
ed on stoves.
Ords., Art. 11, Sec. 77.. 763
- dealers to register with
Comptroller.
Ords., Art. 11, Sec. 77.. 763
- domestic use, sales for,
purchaser to furnish
can.
Ords., Art. 11, Sec. 78.. 763
- emptying automobile
tanks.
Ords., Art. 11, Sec. 75.. 761
- filling tanks, precautions.
Ords., Art. 11, Sec. 75.. 761
- filling stoves, precautions.
Ords., Art. 11, Sec. 77.. 763
- fines for violating provi-
sions.
Ords., Art. 11, Sec. 78.. 764

FIRE REGULATIONS.—(Cont'd).**Gasoline, Etc.**—(Cont'd).

- original package, sales in.
Ords., Art. 11, Sec. 75.. 761
- penalties for violations of
provisions.
Ords., Art. 11, Sec. 79.. 764
- permit for automobile
storage stations.
Ords., Art. 11, Sec. 75.. 761
- permit for storage for en-
gines, etc.
Ords., Art. 11, Sec. 76.. 761
- quantity permitted at auto-
mobile stations.
Ords., Art. 11, Sec. 75.. 761
- quantity dealers may keep.
Ords., Art. 11, Sec. 74.. 761
- registry of dealers in stoves
at office of Comptroller.
Ords., Art. 11, Sec. 77.... 763
- reservoirs for stoves to be
outside of building.
Ords., Art. 11, Sec. 77.... 763
- sales for domestic use.
Ords., Art. 11, Sec. 78.... 763
- sales in automobile sta-
tions.
Ords., Art. 11, Sec. 75.... 761
- sand to be kept as absor-
bent in case of leakage.
Ords., Art. 11, Sec. 75.... 761
- storage tanks for engines,
etc.
Ords., Art. 11, Sec. 74.... 761
- Storage tanks in automo-
bile stations.
Ords., Art. 11, Sec. 75.... 761
- stoves, precautions in use
of.
Ords., Art. 11, Sec. 77.... 762
- tanks, storage for automo-
bile stations.
Ords., Art. 11, Sec. 75.... 761
- tanks, storage for engines,
etc.
Ords., Art. 11, Sec. 76.... 762

Gunpowder,

- canisters for storage, pen-
alty.
Ords., Art. 11, Sec. 82... 765
- carriage through city, pre-
cautions, penalty.
Ords., Art. 11, Sec. 80.... 764
- concealment of, search
warrant on information.
Ords., Art. 11, Sec. 83.... 765

FIRE REGULATIONS.—(Cont'd).

Page

Gunpowder.—(Cont'd).

- door, to be kept near, sign on, penalty.
Ords., Art. 11, Sec. 82.... 765
- information of concealment, search warrant to issue.
Ords., Art. 11, Sec. 83.... 765
- maximum quantity to be kept, penalty.
Ords., Art. 11, Sec. 81.... 765
- quantity to be kept, penalty.
Ords., Art. 11, Sec. 81.... 765
- sign on door "Gunpowder."
Ords., Art. 11, Sec. 82.... 765
- storage or keeping in tin canisters.
Ords., Art. 11, Sec. 82.... 765
- transportation through city unrestricted when destined beyond.
Ords., Art. 11, Sec. 81.... 765

Hotels, Safety Regulations,

- fine for noncompliance with.
Ords., Art. 11, Sec. 68.... 759
- fire escapes, placing of, signs indicating.
Ords., Art. 11, Sec. 67.... 758
- floor plan to be placed in each sleeping room.
Ords., Art. 11, Sec. 67.... 758
- owner or lessee, responsibility of.
Ords., Art. 11, Sec. 68.... 759
- penalty for non-compliance with.
Ords., Art. 11, Sec. 68.... 759
- plans of floors to be kept in sleeping rooms.
Ords., Art. 11, Sec. 67.... 758
- signs indicating fire escapes and stairways.
Ords., Art. 11, Sec. 67.... 758
- stairways, to place signs indicating location of.
Ords., Art. 11, Sec. 67.... 758

Inflammable and Explosive Materials,

- blasting in city limits, permit for.
Ords., Art. 11, Sec. 72.... 760
- blasting without permit, penalty.
Ords., Art. 11, Sec. 73.... 760

FIRE REGULATIONS.—(Cont'd).

Page

Inflammable, Etc.—(Cont'd).

- dynamite, etc., manufacture prohibited, penalty.
Ords., Art. 11, Sec. 69.... 759
- dynamite, carriage through streets, permit, penalty.
Ords., Art. 11, Sec. 70.... 759
- explosive compounds, manufacture of, penalty.
Ords., Art. 11, Sec. 69.... 759
- explosive compounds, carriage through streets.
Ords., Art. 11, Sec. 70.... 759
- firecrackers, sale prohibited, penalty.
Ords., Art. 11, Sec. 58.... 756
- fires on decks of vessels at night, penalty.
Ords., Art. 11, Sec. 63.... 757
- fireworks in city, permit for.
Ords., Art. 11, Sec. 57.... 756
- fireworks, manufacture of, penalty.
Ords., Art. 11, Sec. 59.... 756
- fireworks, sales in other than original package, penalty.
Ords., Art. 11, Sec. 58.... 756
- floors of wood, ashes on.
Ords., Art. 11, Sec. 60.... 756
- manufacture of explosives prohibited, penalty.
Ords., Art. 11, Sec. 69.... 759
- manufacture of fireworks, prohibited, penalty.
Ords., Art. 11, Sec. 59.... 756
- nitro-glycerine, carriage through streets.
Ords., Art. 11, Sec. 70.... 759
- notice to comply with provisions.
Ords., Art. 11, Sec. 70.... 759
- notice to offenders before liability accrues.
Ords., Art. 11, Sec. 62.... 757
- penalty for blasting in city without permit.
Ords., Art. 11, Sec. 73.... 760
- penalties, liability for, notice to delinquents.
Ords., Art. 11, Sec. 62.... 757
- permit for fireworks.
Ords., Art. 11, Sec. 57.... 755
- sales of firecrackers prohibited, penalty.
Ords., Art. 11, Sec. 58.... 755

FIRE REGULATIONS.—(Cont'd). Page

Inflammable, Etc.—(Cont'd).

- storage of explosives; permit; penalty.
Ords., Art. 11, Sec. 70.... 759
- storage of explosives, tin sign on door, penalty, notice.
Ords., Art. 11, Sec. 71.... 760

Oils, Illuminating and Fluid,

- accident, seller's liability.
Acts, Sec. 453..... 310
- confiscation of inferior oils.
Acts, Sec. 454..... 311
- damages, liability of seller.
Acts, Sec. 452..... 310
- explosion, liability of seller.
Acts, Sec. 453..... 310
- export oil, exemption of.
Acts, Sec. 456..... 311
- false report by Inspector, penalty.
Acts, Sec. 455..... 311
- fines, disposition of.
Acts, Sec. 453..... 310
- fire test.
Acts, Sec. 449..... 309
- Inspectors, decisions in confiscation.
Acts, Sec. 454..... 311
- Inspector's reports, penalty for falsifying.
Acts, Sec. 455..... 311
- penalty for unlawful sales.
Acts, Sec. 453..... 310
- manufacture.
Acts, Sec. 451..... 310
- purchaser, protection of.
Acts, Sec. 452..... 310
- sales in barrels.
Acts, Sec. 450..... 309
- unlawfully.
Acts, Sec. 451..... 310
- seizure of oils.
Acts, Sec. 454..... 311
- stamp of manufacturer on barrels.
Acts, Sec. 450..... 309
- street lamps, oil for, exempt.
Acts, Sec. 456..... 311
- Tagliabue's test.
Acts, Sec. 449..... 309

FIRE REGULATIONS.—(Cont'd). Page

Oils, Manufacture and Storage of,

- application for permit for, publication of.
Ords., Art. 11, Sec. 84.. 765
- buildings for manufacture of, restrictions.
Ords., Art. 11, Sec. 85.. 766
- collection of fines hereunder.
Ords., Art. 11, Sec. 88.. 767
- distilleries of, requirements for.
Ords., Art. 11, Sec. 85.. 766
- existing manufactories not affected.
Ords., Art. 11, Sec. 84.. 766
- fines for violation of provisions.
Ords., Art. 11, Sec. 88.. 767
- illuminating oils, how kept for sale.
Ords., Art. 11, Sec. 86.. 766
- manufacture restricted, permit for, penalty.
Ords., Art. 11, Sec. 84.. 765
- penalties for violations hereunder.
Ords., Art. 11, Sec. 87.. 766
- recovery of.
Ords., Art. 11, Sec. 88.. 767
- permission to manufacture, application for.
Ords., Art. 11, Sec. 84.. 766
- publication of application for permit.
Ords., Art. 11, Sec. 84.. 766
- sale of illuminating oils.
Ords., Art. 11, Sec. 86.. 766
- storage of, restrictions.
Ords., Art. 11, Sec. 85.. 766

Prevention of Fires,

- arrests for smoking in stables.
Ords., Art. 11, Sec. 56, 755
- ashes in wooden vessel.
Ords., Art. 11, Sec. 60, 755
- hay and straw, requirements for buildings where kept, penalty.
Ords., Art. 11, Sec. 61, 757
- inflammable stores on wharves, etc., matches etc., prohibited, penalty.
Ords. Art. 11, Sec. 64, 757

Page

FIRE REGULATIONS.—(Cont'd).
Prevention of Fires.—(Cont'd).

- lamps, etc., in stables, restrictions, penalty.
Ords., Art. 11, Sec. 54, 755
- outside wooden buildings, penalty.
Ords., Art. 11, Sec. 55, 755
- open, on wharves, etc., penalty.
Ords., Art. 11, Sec. 64, 757
- livery stables, open lamps in, penalty.
Ords., Art. 11, Sec. 56, 755
- notice to owners of vacant, unsecured houses.
Ords., Art. 11, Sec. 41, 751
- open lamps on wharves, etc., penalty.
Ords., Art. 11, Sec. 64, 757
- in stables, etc., penalty.
Ords., Art. 11, Sec. 56, 755
- piers, wharves, etc., precautions on, penalty.
Ords., Art. 11, Sec. 64, 757
- police, duty in regard to lights in stables.
Ords., Art. 11, Sec. 56, 755
- ships, fires on deck at night, penalty.
Ords., Art. 11, Sec. 63, 757
- stables; fire regulations to be posted.
Ords., Art. 11, Sec. 56, 755
- smoking in stables, penalty.
Ords., Art. 11, Sec. 56, 755
- on wharves, etc., penalty.
Ords., Art. 11, Sec. 64, 757
- stables, lights in, precautions.
Ords., Art. 11, Sec. 54, 755
- smoking in, penalty.
Ords., Art. 11, Sec. 56, 755

Miscellaneous Provisions,

- amusement halls etc., aisles of, to be kept clear.
Ords., Art. 25, Sec. 35, 970
- doors, fire, arrangement and closing.
Ords., Art. 25, Sec. 32, 969
- exits from public places, to be opened after each performance.
Ords., Art. 25, Sec. 35, 970
- fire shutters, to close at end of business day, to close and open from outside, proviso.
Ords., Art. 25, Sec. 32, 969

Page

FIRE REGULATIONS.—(Cont'd).
Miscellaneous Prov's.—(Cont'd).

- meat smoking prohibited except in special buildings for, penalty
Ords., Art. 25, Sec. 33, 969
- obstruction of stairways prohibited.
Ords., Art. 25, Sec. 34, 969-970
- shutters, fire, arrangement and closing.
Ords., Art. 25, Sec. 32, 969
- smoking meat prohibited except in special buildings.
Ords., Art. 25, Sec. 33, 969
- stairways, explosives, etc., under, and obstruction of, prohibited.
Ords., Art. 25, Sec. 34, 969-970

FIRES IN STREETS,

- conditions of permit for, protection of pavement, penalty,
Ords., Art. 25, Sec. 75, 983

FISCAL YEAR,

- Acts, Sec. 24..... 104
- assessment and levy of taxes for.
Acts, Sec. 171..... 188
- levy for expenditures.
Acts, Sec. 40..... 120
- period of.
Acts, Sec. 32..... 110
- Police Commissioners to estimate expenses for.
Acts, Sec. 747..... 459
- taxes for.
Acts, Sec. 40..... 121
- taxable basis for.
Acts, Sec. 171..... 189

FISH,

- See "*Fish Markets*" and "*Markets*."
- bass under weight, sale of prohibited.
Acts, Sec. 457..... 311

	Page
FISH.—(Cont'd).	
cleaning near fountains and pumps, prohibited, penalty. Ords., Art. 25, Sec. 39....	971
Fells Point market; sales in. Ords., Art. 23, Sec. 82....	943
finest and penalties. Acts, Sec. 6.....	51
keeping under cover, penalty. Ords., Art. 25, Sec. 40....	971
perch under weight, sales prohibited. Acts, Sec. 457.....	311
sale and disposition of—general powers. Acts, Sec. 6.....	51
stalls for in Lexington, Hanover and Fells Point markets. Ords., Art. 23, Sec. 111 .	951

FISH AND CRABS,

<i>See "Markets."</i>	
Ords., Art. 23, Sec. 23....	926, 927

FISH AND GAME LAWS,

markets; posting in, penalty for defacing. Ords., Art. 23, Sec. 42....	931
---	-----

FISH MARKETS,

cleaning of and removal of filth from. ("See Markets.") Ords., Art. 23, Sec. 4.....	920
--	-----

permanent wooden structures on outside of. Ords., Art. 23, Sec. 45....	932
---	-----

FLAG AND STEPPING STONES,

<i>See "Streets and City Engineer" and "Vehicles."</i>	
materials for. Ords., Art. 35, Sec. 18....	1096
when to be provided in streets. Ords., Art. 35, Sec. 83....	1122

FLAGS,

public buildings—raising of on holidays and Memorial Day. Ords., Art. 28, Sec. 6.....	1006
public schools—authority to purchase flag for each school; when to be raised. Ords., Art. 32, Sec. 7.....	1046

FLASHING POINT OF OILS,

minimum, penalty for inferior oil. Ords., Art. 20, Sec. 28....	903
---	-----

FLOATING DEBT,

prohibited. Acts, Sec. 40.....	120
-----------------------------------	-----

FLORISTS,

Lexington market; stalls of. Ords., Art. 23, Sec. 97....	948
---	-----

FLOUR, MEAL, ETC.,

<i>See "Markets."</i>	
Ords., Art. 23, Sec. 24 ...	927
sales of by weight, false weights, penalty. Ords., Art. 23, Sec. 31....	929

FLUES, CHIMNEYS AND HEATING APPARATUS.

<i>See "Buildings" sub-title "Chimneys, Flues and Heating Apparatus."</i>	
---	--

FLUSHING GUTTERS,

when to be done. Ords., Art. 40, Sec. 16....	1182, 1183
---	------------

FLUSHING STREETS,

Baltimore street, when wet and muddy. Ords., Art. 36, Sec. 7.....	1143
fire plugs, use of water from. Ords., Art. 36, Sec. 6.....	1142

FLYING HORSES, ETC.,

licenses for; cost of, penalty. Ords., Art. 41, Sec. 10....	1199
public swings, fakirs and patent medicine venders, prohibited, penalty. Ords., Art. 25, Sec. 112....	995-6

**FOOD, FOOD PRODUCTS
AND STUFFS,**

Page

<i>See "Health" and "Markets."</i>	
Ords., Art. 14, Sec. 62.....	815
definition of term; proviso.	
Ords., Art. 14, Sec. 62.....	815
inspection and sale of, regulated.	
Acts, Sec. 6.....	56
inspectors and analysts of,	
Acts, Sec. 73.....	139
inspectors of.	
Ords., Art. 14, Sec. 61.....	814, 815
milk, inspectors of.	
Acts, Sec. 74.....	139

FOOTWAYS,

<i>See "Grading, Paving, etc., Streets;" "Markets;" "Streets and City Engineer" and "Vehicles."</i>	
abutting owners liable for costs of.	
Acts, Sec. §841f.....	534
annex, footways — assessment of costs of.	
Acts, Sec. §841f.....	534
—construction and repair of.	
Ords., Art. 35, Sec. 29.....	1101
—to be repaired by the City Engineer.	
Ords., Art. 35, Sec. 31.....	1102
barrels, boxes, etc., not to obstruct more than one-half.	
Ords., Art. 25, Sec. 68.....	979
burnt district; construction and material of footways in.	
Ords., Art. 35, Sec. 14.....	1095
—permit for paving required.	
Ords., Art. 35, Sec. 13.....	1094
—structures prohibited in.	
Ords., Art. 35, Sec. 15.....	1095
collection of tax for repairs to.	
Ords., Art. 35, Sec. 23.....	1099
cost of grading, paving, etc.	
Ords., Art. 35, Sec. 62.....	1113
Drainage,	
—under sidewalks.	
Ords., Art. 35, Secs. 32, 36.....	1102-1103

FOOTWAYS.—(Cont'd).

Page

Drainage.—(Cont'd).

—City Engineer to approve method.	
Ords., Art. 35, Sec. 34.....	1103
—construction by City Engineer upon neglect of owner.	
Ords., Art. 35, Sec. 35.....	1103
—cost of such construction.	
Ords., Art. 35, Sec. 35.....	1103
—penalty for failure to provide such drainage.	
Ords., Art. 35, Sec. 36.....	1103
—pipes for to be under ground.	
Ords., Art. 35, Sec. 33.....	1102
flag stones to be put down; penalty.	
Ords., Art. 35, Sec. 27.....	1100
grading, regulating, paving and repairing same.	
Acts, Sec. 6.....	78
horses, etc., not allowed on; proviso as to crossing same.	
Ords., Art. 4, Sec. 3.....	683
ice and snow, removal from.	
Ords., Art. 36, Sec. 15.....	1145
market footways—Belair market.	
Ords., Art. 23, Sec. 62.....	938
—to be kept open.	
Ords., Art. 23, Sec. 61.....	937-938
obstruction of by goods being inspected, penalty.	
Ords., Art. 17, Sec. 3.....	876
occupants of premises and owners of vacant premises to keep clean.	
Ords., Art. 25, Sec. 71.....	980-1
owner of, to repair same.	
Acts, Sec. 6.....	78
pavements in front of unimproved lots.	
Ords., Art. 35, Sec. 28.....	1100-1101
penalty for failure to repair.	
Ords., Art. 35, Sec. 26.....	1099
poles, signs and wires on.	
Acts, Sec. 6.....	79

FOOTWAYS.—(Cont'd).	Page
Police Regulations,	
—dangerous substances on, penalty.	
Ords., Art. 25, Sec. 96....	990
—fruit, etc., substances on, dangerous to pedestrians, penalty.	
Ords., Art. 25, Sec. 96....	990
—fruit sellers to post copy of regulations, penalty.	
Ords., Art. 25, Sec. 97....	990
—hand carts on, unlawful, penalty, proviso.	
Ords., Art. 25, Sec. 98....	991
—horses, mules, etc., on, unlawful, penalty.	
Ords., Art. 25, Sec. 99....	991
—sellers of fruit, etc., to post copy of regulations, penalty.	
Ords., Art. 25, Sec. 97....	990-1
—sprinkling, restrictions, hours when unlawful, penalty.	
Ords., Art. 25, Sec. 100..	991
—vehicles on, prohibited, penalty.	
Ords., Art. 25, Sec. 99....	991
—venders of fruit, etc., to post copy of regulations.	
Ords., Art. 25, Sec. 97....	990-1
—washing of, restrictions, hours when unlawful; penalty.	
Ords., Art. 25, Sec. 100..	991
—wheelbarrows, etc., on proviso, penalty.	
Ords., Art. 25, Sec. 98 ...	991
proprietors of lots to grade and pave.	
Ords., Art. 35, Sec. 28....	1100
repairing defective footways; notice by Comptroller.	
Ords., Art. 35, Sec. 20....	1097, 1098
sales on, in markets forbidden, permit, penalty.	
Ords., Art. 23, Sec. 37....	930
slop carts, police regulations.	
Ords., Art. 25, Sec. 54....	975

FOOTWAYS.—(Cont'd).	Page
Police Regulations.—(Cont'd).	
snow, removal from, person liable, when to remove, notice, penalty.	
Ords., Art. 25, Sec. 76....	983-4
tax for cost of repairs, by City Engineer.	
Ords., Art. 35, Sec. 22....	1098
—to be lien on property.	
Ords., Art. 35, Sec. 23....	1099
tax for grading, regulating, etc., same.	
Acts, Sec. 6.....	78
—for repairs of.	
Ords., Art. 35, Secs. 22..	
to 25.....	1098, 1099
temporary footways for passengers; penalty.	
Ords., Art. 35, Secs. 37-38	1104
vehicles; Hollins Market, driving vehicles in.	
Ords., Art. 23, Sec. 91....	946
wheelbarrows, vehicles, etc., on, unlawful, penalty, proviso.	
Ords., Art. 25, Sec. 98....	991
widening of.	
Acts, Sec. 6.....	note 78

FOREIGN VESSELS,

See "Harbor, Docks and Wharves;" "Immigrants" and "Quarantine Hospital."

Harbor Master's fees from.... 313

FOREMAN OF JURY,

See "Jurors."

FORFEIT CLAUSE,

in lighting contracts; penalty for dead lamps.

Ords., Art. 20, Sec. 16....
.....898-9

FORFEITURE OF BAIL,

See "Bail."

FORMAL DEFECTS,

court to correct, in condemnations for sewers, etc.

Ords., Art. 33, Sec. 9.....1068

FORTUNE TELLERS,

Page

See "Vagrants and Disorderly Persons."

classified as vagrants.

Acts, Sec. 866..... 554

and note..... 554

license of.

Acts, Sec. 6..... 61

FOUNDATIONS,

See "Buildings."

FOUNDINGS,

See "Charities, Supervisors of City."

Acts, Sec. 107..... 159

FOUNTAINS,

Art Commission to approve.

Acts, Sec. 202..... 207

construction of; public utility to be considered.

Ords., Art. 40, Sec. 15.....1182

erection—and regulation of.

Acts, Sec. 6..... 65

—of by Water Board.

Ords., Art. 40, Sec. 13.....1182

pumps to be replaced by.

Ords., Art. 40, Sec. 14.....1182

FRAME STRUCTURES,

See "Buildings."

markets—permanent erection of, prohibited in; penalty, proviso.

Ords., Art. 23, Sec. 45..... 932

where permitted, proviso.

Ords., Art. 3, Sec. 4..... 600

FRANCHISES,

Acts, Secs. 7-13.....94-98

certain franchises not to be granted.

Acts, Sec. 8..... 95

city may take over.

Acts, Sec. 9..... 96

compensation for.

Acts, Sec. 37..... 118

compliance with terms of, enforceable by city.

Acts, Sec. 9.....96-97

FRANCHISES.—(Cont'd).

Page

conditions relating to.

Acts, Sec. 37..... 117

decisions in relation to.

Acts, Sec. 8.....note 95

duration of, limited.

Acts Sec. 9.....95, 96

mode of valuing renewals.

Acts, Sec. 9.....96, 97

municipal control and regulation of.

Acts, Sec. 11..... 97

renewals of.

Acts, Sec. 9..... 96

" " 37..... 118

title of city thereto inalienable.

Acts, Sec. 6..... 94

title vested in corporation.

Acts, Sec. 2..... 41

Grants of,

—*See "Board of Estimates."*

Acts, Sec. 37..... 117

—advertisement of by Comptroller.

Acts, Sec. 10..... 97

—application for grant of franchise to be advertised.

Acts, Secs. 10, 37.....97, 118

—Board of Estimates to advertise grant applied for.

Acts, Sec. 10..... 97

—cases cited, and note.

Acts, Sec. 37..... 119

—municipal control to be reserved.

Acts, Sec. 11..... 97

—ordinances embodying.

Acts, Sec. 37..... 117

—repair of streets by street railways to be a condition of grants of franchises in streets.

Ords., Art. 30, Sec. 25.....1024

—specific franchises.

Acts, Sec. 8..... 94

—specifications in grants of.

Acts, Sec. 9.....96, 97

FRANCHISES.—(Cont'd).**Grants of. — (Cont'd).**

- street railway franchises in annex—duration and conditions of such grants.
Acts, Sec. §800a.....494, 495
- grant of to United Railways and Electric Company; conditions relating thereto; proviso as to minimum compensation for grant.
Acts, Sec. §800b.....495, 496
- terms, conditions, nature and extent of to be set forth in.
Acts, Secs. 8, 9.....95-96
- United Railways and Electric Company; grants of franchises to in annex.
Acts, Sec. §800b.....495, 496

FRAUD AGAINST POLICE FUNDS.

See "*Special Police Fund.*"

FRAUD OF LICENSEES,

- penalty for, in carriage, etc., licenses.
Ords., Art. 41, Sec. 81.....1226

FRAUDULENT SALES,

- charcoal, penalty.
Ords., Art. 17, Sec. 30..... 885

FRAUDULENT WEIGHTS AND MEASURES,

- seizure and sale of.
Ords., Art. 17, Sec. 21..... 883

"FREE CARE,"

- definition of for water rates to charitable institutions.
Ords., Art. 41, Sec. 65.....1220

FREE LIBRARY,

- See "*Pratt Free Library.*"
Ords., Art. 26, Secs. 1-5
.....997-1001

FREE PUBLIC BATH COMMISSION,

- See "*Public Baths.*"
Ords., Art. 27, Sec. 1-5.
.....1002-03

FRUITS, VEGETABLES, ETC.,

See "*Street Venders' Licenses*"
under "*Licenses.*"

FRUITS, MEATS, VEGETABLES, ETC.,

- power to license and regulate sale.
Acts, Sec. 6..... 51
- sales of fruit on Sabbath, in streets, unlawful, penalty.
Ords., Art. 31, Sec. 2.....1040
- such substances prohibited on sidewalks; penalty.
Ords., Art. 25, Sec. 96.... 990

FRONT-FOOT RULE,

- assessments for grading, paving, curbing, etc.
Acts, Sec. 6 77
- taxes levied under, for grading, paving, etc.,
Acts, Sec. 6 77

FULTON AVENUE,

- cattle, driving through, unlawful.
Ords., Art. 25, Sec. 31.... 968

FUNDS,

- See "*Sinking Funds;*"
"*Special Police Fund*" and
"*Stocks, Loans and Finance.*"
- city funds—interest on deposits of in banks.
Ords., Art. 6, Sec. 23.....
.....705, 706
- police department—funds of.
(See "*Police Commissioners.*")
- trust funds—city may receive or dispose of.
Acts, Sec. 2 42

FUNERALS,

- driving or crossing line of prohibited; penalty.
Ords., Art. 4, Sec. 26
.....689, 690
- ferries; to pass free over same.
Acts, Sec. 437..... 304
- of firemen—expenses of payment of.
Ords., Art. 11, Sec. 11.... 739

FURNITURE,	Page
markets—sales of in, prohibited, penalty. Ords., Art. 23, Sec. 41.....	931
wagons—stands for. Ords., Art. 4, Sec. 38.....	693
for schools. (<i>See "Schools."</i>) Acts, Sec. 99	153
FURNACES AND HEATING APPARATUS,	
<i>See "Buildings;" sub-title "Chimneys, Flues and Heating Apparatus."</i>	
GAME AND FISH LAWS,	
markets; posting in, penalty for defacing. Ords., Art. 23, Sec. 42..	931
GAMES ON SABBATH,	
ball, quoits, kites, etc., unlawful, penalty. Ords., Art. 31, Sec. 3.....	1041
GAMING,	
finest and penalties; recovery and accounting of. Ords., Art. 12, Sec. 7.....	770
horse racing for gaming purposes prohibited; penalty. Ords., Art. 12, Sec. 5.....	769
licensed houses or ordinaries; penalty for gaming in. Ords., Art. 12, Sec. 2.....	768
long bullets; game of prohibited; penalty. Ords., Art. 12, Sec. 6.....	769
penalty for fraudulent gaming. Ords., Art. 12, Sec. 1.....	767
police to give information to Mayor. Ords., Art. 12, Sec. 4, 768-69	
police to suppress; procedure, penalty for resisting police. Ords., Art. 12, Sec. 4.....	769
tables for gaming; penalty for keeping. Ords., Art. 12, Sec. 3.....	768

GANG PLANKS,	Page
<i>See "Harbor, Docks and Wharves."</i> Ords., Art. 13, Sec. 28, 783-4	
GARBAGE AND STREET DIRT,	
<i>See "Health" and "Street Cleaning" under sub-heading—"Commissioner of Street Cleaning."</i> Ords., Art. 14, Sec. 107,	829-830
Carts, Carters and Removal of Garbage and Street Dirt,	
—carters, neglect of to remove, penalty. Ords., Art. 25, Sec. 42..	972
—carts, private, sign, bell or horn on, prohibited, penalty. Ords., Art. 25, Sec. 41..	971
—cleanliness of carts, requirements for. Ords., Art. 25, Sec. 43..	972
—collection of garbage; supervision and regulation of. Ords., Art. 36, Sec. 2,	1140-1141
—covering, tightness of carts. Ords., Art. 25, Sec. 44..	972
Ords., Art. 36, Sec. 12..	1144
—driving regulations, rules for drivers. Ords., Art. 25, Sec. 43..	972
—drivers to use care in handling. Ords., Art. 25, Sec. 45..	973
—general hauling, carts, etc., for, to be tight, penalty. Ords., Art. 25, Sec. 48,	973-4
—handling garbage, drivers to use care. Ords., Art. 25, Sec. 45..	973
—hauling, generally, carts to be tight, penalty. Ords., Art. 25, Sec. 48,	973-4
—insecure or overloaded vehicles prohibited. Ords., Art. 25, Sec. 46..	973
—neglect of drivers, police to report. Ords., Art. 25, Sec. 49..	974

	Page
GARBAGE, Etc.—(Cont'd).	
Carts, Carters, Etc.—(Cont'd).	
—overloading vehicles and spilling contents prohibited.	
Ords., Art. 25, Sec. 46..	973
—penalties imposed for violations, proviso.	
Ords., Art. 25, Sec. 47..	973
—permits for removal of garbage.	
Ords., Art. 14, Sec. 109,	830
—police to report neglect of drivers.	
Ords., Art. 25, Sec. 49.	974
—private carts, sign, bell or horn on, prohibited, penalty.	
Ords., Art. 25, Sec. 41..	971
—removal of garbage, penalty for neglect of driver.	
Ords., Art. 25, Sec. 42..	972
—removal of garbage; provisions relating to.	
Ords., Art. 14, Sec. 108,	830
—specifications for carts.	
Ords., Art. 25, Sec. 44..	972
—spilling offal on streets, drivers to remove.	
Ords., Art. 25, Sec. 46..	973
—stable manure, spilling on streets, penalty.	
Ords., Art. 25, Sec. 47..	973
Miscellaneous Provisions,	
boxes for; placing at street corners by private persons.	
Ords., Art. 36, Sec. 10 ..	1144
dumps for—burning at forbidden, penalty.	
Ords., Art. 14, Sec. 107,	829-830
final disposition authorized by agreement with Mayor and City Council.	
Acts, Sec. §841u.....	545-546
—receptacles used in, to be closed and covered.	
Acts, Sec. §841u.....	546
—to be between one and five o'clock A. M.	
Acts, Sec. §841u.....	547
removal of, (<i>See "Street Cleaning."</i>)	
rubbish, litter, etc., boxes for, on streets, prohibited, penalty, proviso.	
Ords., Art. 25, Sec. 70....	980

	Page
GARMENTS, WEARING APPAREL, ETC.,	
malicious distruction of.	
Acts, Sec. 401.....	297
GARMENT WORKERS,	
<i>See "Fire Escapes."</i>	
GAS AND OILS, ILLUMINATING,	
gas of inferior quality; penalty for furnishing, proviso.	
Ords., Art. 20, Sec. 27, 902-3	
inspection of, (<i>See "Lamps and Lighting," sub-title "Assistant Superintendent of."</i>)	
Ords., Art. 20, Secs. 24-30.....	901-03
GAS AND WATER PIPES,	
inspection of laying of.	
Ords., Art. 35, Sec. 10,	1093-94
GAS BILLS FOR CITY LIGHTING,	
Superintendent of Lamps and Lighting to certify to.	
Ords., Art. 20, Sec. 4.....	894
GAS COMPANIES,	
Anne Arundel County, none to be formed in, except in Annapolis.	
Acts, Sec. 458.....	312
Baltimore County, none to be formed in.	
Acts, Sec. 458.....	312
candle power of gas.	
Acts, Sec. 462.....	312
charters annulled, exception.	
Acts, Sec. 460.....	312
forming of, restricted.	
Acts, Sec. 458.....	312
illuminating power of gas.	
Acts, Sec. 462	312
mains, laying of, restricted.	
Acts, Sec. 459.....	312
—Superintendent of Lamps and Lighting to super-vise.	
Ords., Art. 20, Sec. 4....	894

	Page
GAS COMPANIES. —(Cont'd).	
note case cited.....	312
overcharges by, prohibited. Acts, Sec. 542.....	340
price of gas. Acts, Sec. 461.....	312
purity requirements for gas. Acts, Sec. 462.....	312
repair of street surface by. Ords., Art. 35, Sec. 112, .....1134-35	
sale of gas. Acts, Sec. 459.....	312
testing gas, specifications for. Acts, Sec. 462.....	312
trenches of. Ords., Art. 35, Sec. 111.....	1134

GAS, GASOLINE AND STEAM ENGINES AND MACHINERY,

*See "Inspector of Buildings,"
sub-title "Steam, Gas and
Gasoline Engines and Ma-
chinery."*

Ords., Art. 3, Secs. 138-149
.....652-657

GAS LIQUORS AND RE- FUSE,

in sewers, prohibited; pen-
alty.
Ords., Art. 33, Sec. 25, 1074-5

discharge of,—in harbor pro-
hibited; penalty.
Ords., Art. 13, Sec. 23..... 782

GAS MAINS,

report to City Council of
number of feet laid annual-
ly.
Ords., Art. 20, Sec. 4..... 894

GAS METERS,

See "Lamps and Lighting."
Acts, Secs. 541-543.....339-340

consumer may cause same to
be tested; rule governing
such tests.
Acts, Sec. 543..... 340

GAS METERS.—(Cont'd).

inspection of.
Ords., Art. 20, Secs. 6-
14.....895-898
installation by gas companies
required.
Acts, Sec. 541.....339-340
sealing, etc., of new meters,
fee; penalty for use with-
out inspection.
Ords., Art. 20, Sec. 9..... 896

GAS PIPES, ETC.,

use of streets by.
Acts, Sec. 6..... 80

GASOLINE, NAPHTHA AND BENZINE,

See "Fire Regulations."

cooking purposes—regulating
use of, for.
Ords., Art. 11, Sec. 77.... 763

lamps— change to gas, by
Superintendent of Lamps
and Lighting.
Ords., Art. 20, Sec. 5..... 895

lamps and lighting, use for
illumination.
Ords., Art. 20, Sec. 29.... 903

GAS, SEWER AND WATER CONNECTIONS,

permits for.
Ords., Art. 35, Sec. 109,
.....1133-34

GAUGERS OF CASKS AND LIQUORS,

*See "Inspections, Weights
and Measures."*

GAUGING,

*See "Inspections, Weights
and Measures."*

GENERAL ASSEMBLY,

deaf, dumb and blind, Gov-
ernor's report of disburse-
ment for.
Acts, Sec. 400..... 297

GENERAL POWERS,

*See under the several specific
powers.*

	Page
GENERAL REVISION OF ASSESSMENTS,	
to be made every five years.	
Acts, Sec. 164A	181
GEODETTIC AND TOPOGRAPHICAL SURVEYS,	
<i>See "Topographical Survey,"</i>	
Ords., Art. 39, Secs. 1-11,	1171-74
GERMAN NEWSPAPERS,	
publications in required.	
Ords., Art. 1, Sec. 43.....	585
GERMAN SOCIETY OF MARYLAND,	
immigrants, commutation money, disbursement of.	
Acts, Sec. 528.....	335
—penalties for misappropriation thereof.	
Acts, Sec. 529.....	336
GERMAN STREET,	
vehicles; stands for prohibited	
Ords., Art. 4, Sec. 38.....	693
GIFTS OR BEQUESTS TO SPECIAL POLICE FUND,	
<i>See "Special Police Fund."</i>	
GILMOR STREET,	
cattle driving through, prohibited.	
Ords., Art. 25, Sec. 25....	967
GOATS, ETC., AT LARGE,	
killing and seizure by anyone lawful, penalty for owner.	
Ords., Art. 25, Sec. 9.....	963
GOODS, WARES AND MERCHANDISE,	
auction sales of, in streets.	
Ords., Art. 2, Sec. 2.....	589
malicious destruction of.	
Acts, Sec. 401.....	297
GOVERNOR,	
Collector of State Taxes—when appointment may be made by Governor.	
Acts, Sec. 56.....	131

	Page
GOVERNOR.—(Cont'd.)	
deaf, dumb and blind, report to General Assembly of disbursements for.	
Acts, Sec. 400.....	297
examining engineers, appointment.	
Acts, Sec. 426.....	298
GRADE CROSSINGS,	
<i>See "Railroads and Railways."</i>	
railroad—safety gates at.	
Acts, Sec. 791.....	488-9
GRADED LISTS,	
<i>See "Police Examiners," and "Teachers."</i>	
Acts, Sec. 101.....	155
GRADE LINES OF STREETS,	
<i>See "Health," "Streets and City Engineer," "Streets, Bridges and Highways" and "Topographical Survey."</i>	
building permits not to be issued until established.	
Ords., Art. 35, Sec. 51.....	1109
change of, general power.	
Acts, Sec. 6.....	74
City Surveyor to fix establishment and changes of.	
Ords., Art. 35, Secs. 41-42.....	1105
establishment of—by proper officer.	
Ords., Art. 35, Sec. 50.....	1108
—general powers of city.	
Acts, Sec. 6.....	74
—notice before establishing.	
Ords., Art. 35, Sec. 43.....	1106
new buildings to conform to.	
Ords., Art. 35, Sec. 52.....	1109
penalty for building in violation of.	
Ords., Art. 35, Sec. 53.....	1109
private alleys; establishment of lines.	
Ords., Art. 35, Sec. 45....	1106-1107

	Page
GRADES AND GRADE LINES	
OF STREETS,	
<i>See "Health;" Streets and City Engineer</i>	
<i>"Streets, Bridges and Highways" and "Topographical Survey."</i>	
Ords., Art. 39, Sec. 1.....	1171-1172
alterations of grade for rail-road tracks.	
Acts, Sec. 6.....	66
appeals from decisions of City Engineer.	
Ords., Art. 35, Sec. 47....	1107, 1108
—bond of appellant.	
Ords., Art. 35, Sec. 48.....	1108
—expenses of appeal.	
Ords., Art. 35, Sec. 49.....	1108
GRADING, PAVING, ETC.,	
STREETS,	
<i>See "Assessments" "City Collector;" "City Registrar;" "Comptroller;" "Streets and City Engineer;" "Streets, Bridges and Highways;" "Taxes" and "Topographical Survey."</i>	
General Provisions,	
advertisement of deposit of proceedings.	
Ords., Art. 35, Sec. 68.....	1116
appeals to City Court.	
Acts, Sec. 6.....	75
—to Court of Appeals.	
Acts, Sec. 6.....	76
assessments for cost of work.	
Acts, Sec. 6.....	75
Ords., Art. 35, Sec. 74.....	1119
—under general ordinance.	
Acts, Sec. 6.....	77
contractors; payment of for work of.	
Ords., Art. 35, Sec. 75.....	1119, 1120
decisions relating to.	
foot-note.....	75
general ordinance for.	
Acts, Sec. 6.....	76

	Page
GRADING, —Etc.—(Cont'd).	
General Provisions.—(Cont'd).	
inspection of work by City Engineer.	
Ords., Art. 35, Sec. 10.....	1093-1094
Jones' Falls improvements.	
Acts, Sec. 6.....	60
notice of levy of tax.	
Ords., Art. 35, Sec. 76.....	1120
on application of owners under general ordinances.	
<i>(See this title under "Streets and City Engineer").</i>	
Acts, Sec. 6.....	76
Ords., Art. 35, Secs. 54-61.....	1110-1112
owners liable for tax for.	
Ords., Art. 35, Sec. 74.....	1119
private alleys in state of nuisance.	
Ords., Art. 35, Sec. 45.....	1106-1107
special ordinances for.	
<i>(See "Streets and City Engineer").</i>	
Ords., Art. 35, Secs. 89-100.....	1125-1130
Acts, Sec. 6.....	75
—hearing before passing same.	
Acts, Sec. 6.....	75
—notice before passing same.	
Acts, Sec. 6.....	75
tax for collection of.	
Ords., Art. 35, Secs. 75, 76.....	1119-1120
—list of owners liable for.	
Ords., Art. 35, Sec. 75.....	1119
void ordinances; refund of assessments under.	
Ords., Art. 35, Sec. 97.....	1129
In Annex by Owners,	
—assessments for; accounting of moneys from.	
Ords., Art. 35, Sec. 72.....	1117
—bond of owners to indemnify city.	
Ords., Art. 35, Sec. 73.....	1118-1119
—cross streets; paving by city required.	
Ords., Art. 35, Sec. 73.....	1118

	Page
GRADING, Etc.—(Cont'd).	
In Annex by Owners.—(Cont'd).	
—fund created by Act 1904, ch. 274.	
Ords., Art. 35, Sec. 72	1117
—minimum area to be paved.	
Ords., Art. 35, Sec. 73	1118
—selection of paving by owners.	
Ords., Art. 35, Sec. 73	1118
—uniformity required in.	
Ords., Art. 35, Sec. 73	1118
In Annex on Application of Owners,	
—appeals from assessments for.	
Ords., Art. 35, Sec. 68	1116
—application of owner; when Mayor may sign.	
Ords., Art. 35, Sec. 64	1113
—applications of owners who may sign.	
Ords., Art. 35, Sec. 64	1113
—deposit of proceedings.	
Ords., Art. 35, Sec. 68	1116
—assessments; City Court to review.	
Ords., Art. 35, Sec. 70	1116
—collection of.	
Ords., Art. 35, Sec. 71	1117
—correction of.	
Ords., Art. 35, Sec. 67	1115
—hearing for review of.	
Ords., Art. 35, Sec. 67	1115
—list of owners assessed.	
Ords., Art. 35, Sec. 67	1115
—review of.	
Ords., Art. 35, Sec. 70	1116
—transfer of to City Collector.	
Ords., Art. 35, Sec. 71	1117
—benefits assessed; to be lien.	
Ords., Art. 35, Sec. 66	1115
—lien of.	
Ords., Art. 35, Sec. 67	1116
—when payable.	
Ords., Art. 35, Sec. 71	1117
—in paving in annex; de- ferring payment of.	
Ords., Art. 35, Sec. 66	1114
—Commissioners for Open- ing Streets; powers of.	
Ords., Art. 35, Sec. 62	1112-1113
—cross streets; city to pay cost of.	
Ords., Art. 35, Sec. 65	1114

	Page
GRADING, Etc.—(Cont'd).	
In Annex on Application of Owners.—(Cont'd).	
—front foot rule to govern assessments.	
Ords., Art. 35, Sec. 62	1113
—notice of application of owners.	
Ords., Art. 35, Sec. 63	1113
—assessment.	
Ords., Art. 35, Sec. 69	1116
—review; advertisement of.	
Ords., Art. 35, Sec. 67	1115
—owners may request; duty of commissioners.	
Ords., Art. 35, Sec. 62	1112-1113
—sidewalks, cost of.	
Ords., Art. 35, Sec. 62	1113
—tax <i>pro rata</i> with front feet against owners.	
Ords., Art. 35, Sec. 65	1114
GRAIN BROKERS,	
license for.	
Acts, Sec. 694	424
GRAND JURY,	
<i>See "Jurors."</i>	361
investigation of facilities for egress and exit from build- ings of public assemblage.	
Acts, Sec. 280	252
licenses; Sheriff to furnish list.	
Acts, Sec. 701	427-428
presentment to be endorsed with name of prosecuting witness.	
Acts, Sec. 343	279
witnesses, how sworn.	
Acts, Sec. 339	278
GRANTS AND FRANCHISES,	
<i>See "Franchises."</i>	
GRASS OR SHRUBBERY,	
trespass on; police regula- tions.	
Ords., Art. 25, Sec. 60	977
GRATUITIES,	
<i>See "Police Commissioners."</i>	

	Page
GRAVES,	
See " <i>Health.</i> "	
Ords., Art. 14, Sec. 113..	831
depth of in Potter's Field;pen- alty.	
Ords., Art. 14, Sec. 136	
.....	838-839
GREEN SPRING AVENUE ROAD,	
city to assume jurisdiction of.	
Acts, Sec. 6	63
deed for.	
Acts, Sec. 6	64
to keep in repair.	
Acts, Sec. 6	63
vehicles on.	
Acts, Sec. 6	63
GROCERS,	
liquors; sales by. (See " <i>Liq- uor Licenses.</i> ")	
GROUND RENTS,	
sinking fund, monies of in- vested in.	
Ords., Art. 34, Sec. 16..	1082
GROUNDS FOR ICE PONDS,	
use of prohibited without permit from the Commis- sioner of Health.	
Ords., Art. 14, Sec. 116..	832
GUARDIANS,	
property in hands of; Reg- ister of Wills to report.	
Acts, Sec. 168.....	183
GUNPOWDER,	
See " <i>Fire Regulations.</i> "	
storage of.	
Acts, Sec. 6.....	50
GUNPOWDER FALLS,	
introduction of water from.	
Acts, Sec. 6	92
GUTTERS,	
See " <i>Buildings.</i> "	
cleaning to be done by owner or occupier of fronting property; penalty.	
Ords., Art. 25, Sec. 51 ..	974

	Page
GUTTERS.—(Cont'd).	
flushing of.	
Ords., Art. 40, Sec. 16	
.....	1182-1183
Gutters and Spouting,	
—penalty for failure to pro- vide, on buildings.	
Ords., Art. 3, Sec. 8	602
—ice and snow, removal from.	
Ords., Art. 25, Sec. 76	
.....	983-984
Ords., Art. 36, Sec. 15 ..	1145
—obstruction of, by articles of trade or business, pen- alty, proviso.	
Ords., Art. 25, Sec. 67 ..	979
Plates For,	
—weight to be stamped on.	
Ords., Art. 35, Sec. 10....	1094
—cases cited.	
Note	1094
water from, not to be thrown in streets; penalty.	
Ords., Art. 25, Sec. 50 ..	974
HACKNEY CARRIAGES AND COACHES,	
See " <i>Licenses</i> " and " <i>Vehi- cles.</i> "	
appeals in cases involving re- covery of penalties relating to.	
Acts, Sec. 289.....	256
bond to stay execution.	
Acts, Sec. 289.....	256
jury trial of appeals.	
Acts, Sec. 289.....	256
collection of penalties relating to; appeal provided,	
Acts, Sec. 288.....	256
defined.	
Acts, Sec. 6.....	47
drivers to inform passengers of number and fare; pen- alty.	
Acts, Sec. 283.....	254-255
extortion by drivers; penalty.	
Acts, Sec. 284.....	255
informer to receive half fine.	
Acts, Sec. 286.....	256

HACKNEY CARRIAGES AND COACHES.—(Cont'd).

	Page
license and numbers for.	
Ords., Art. 41, Secs.	
75-84	1223-27
not using public stands.	
Acts, Sec. 285	255
number of to be displayed.	
Acts, Sec. 282	254
owner to report increase of	
number operated.	
Acts, Sec. 287	256
penalties for violations relat-	
ing to.	
Acts, Sec. 282	254
Acts, Sec. 283	254-255
Acts, Sec. 284	255
Acts, Sec. 286	256
Acts, Sec. 287	256
Acts, Sec. 288	256
power to license.	
Acts, Sec. 6	47
—to regulate.	
Acts, Sec. 6	47
rates of fare chargeable by	
owners; proviso.	
Acts, Sec. 281	253-254
—to be fixed by Board Police	
Commissioners.	
Acts, Sec. 281	253
special licenses—applications	
for; contents of application;	
penalty.	
Acts, Sec. 287	256
—when applicable.	
Acts, Sec. 285	255
—restrictions in relation to	
such licenses; penalty.	
Acts, Sec. 286	255-256

HACKS, CABS, GIGS, SUL- KEYS AND CARRYALLS,

See "Hackney Carriages and Coaches" and "Vehicles."

HALLS,

of schools—renting Eastern	
and Western High School	
Halls.	
Ords., Art. 32, Secs. 2-3	1044
over market houses—balls or	
soirees not to be held in.	
Ords., Art. 23, Sec. 11	922

HAUBERT STREET WHARF,

See "Ferries."

HAND ORGANS,

street pianos, etc., not to play	
after 10.30 P. M.; penalty.	
Ords., Art. 25, Sec. 111, 995	

HANOVER MARKET,

provisions relating to.	
Ords., Art. 23, Secs.	
86-89	944-945

HANOVER STREET,

vehicles; stands for prohibit-	
ed.	
Ords., Art. 4, Sec. 33	691

HARBOR BOARD,

<i>See "Harbor, Docks and</i>	
<i>Wharves."</i>	
Ords., Art. 13, Sec. 1 ...	772

Harbor Engineer; duties.	
Acts, Sec. 88	148
—to be president of.	
Acts, Sec. 88	147

harbor, wharves, and navi-	
gable waters, to have charge	
of.	
Acts, Sec. 88	147

Public Improvements, De-	
partment of; board member	
of.	
Acts, Sec. 84	143

subordinates; appointment of	
by Harbor Engineer; board	
to approve appointments.	
Acts, Sec. 88	147

HARBOR, DOCKS AND WHARVES,

Anchorage,

—No. 1; limits of.	
Ords., Art. 13, Sec. 5	773
—No. 2; limits of.	
Ords., Art. 13, Sec. 6	774
—No. 3; limits of.	
Ords., Art. 13, Sec. 7	774
—No. 4; limits of.	
Ords., Art. 13, Sec. 8	774
—Nos. 1, 2, 3 and 4 to be	
marked by buoys by	
Harbor Board.	
Ords., Art. 13, Sec. 4	773

HARBOR, DOCKS, Etc.—(Cont'd).

Anchorage.—(Cont'd)

- regulations for use of.
Ords., Art. 13, Sec. 9.... 775
- vessels within not to obstruct passage of other vessels; removal; penalty.
Ords., Art. 13, Sec. 9.... 775
- vessels within to show white light between sunset and sunrise.
Ords., Art. 13, Sec. 9.... 775

ashes from tow-boats; removal of; disposal of.
Ords., Art. 13, Sec. 26.... 783

Assistant Harbor Masters—accounts of.
Ords., Art. 13, Sec. 15, 777-778

—appointment of; compensation.
Ords., Art. 13, Sec. 2 772-773

—collection for dockage and wharfage made by.
Ords., Art. 13, Sec. 15 777-778

—expenses of.
Ords., Art. 13, Sec. 15 777-778

bills of lading—vessels loading to furnish.
Ords., Art. 13, Sec. 18 779-780

bulkhead and pierhead lines, limits of.
Ords., Art. 13, Sec. 10.... 775

cleaning docks—notice from Commissioner of Health; penalty; expenses.
Ords., Art. 13, Sec. 22.... 781

—removal of deposits from docks.
Ords., Art. 13, Sec. 21 ... 781

Dockage and Wharfage,

—vessels subject to payment of; to show license.
Ords., Art. 13, Sec. 18 779-780

—daily collection of; dues for.
Ords., Art. 13, Sec. 15 777-778

HARBOR, DOCKS, Etc.—(Cont'd).

Dockage, Etc.—(Cont'd).

- rates per diem for.
Ords., Art. 13, Sec. 16 778
- to be paid by vessels loading; penalty for non-payment.
Ords., Art. 13, Sec. 18 779-780
- vessels required to pay same; penalty.
Ords., Art. 13, Sec. 18 779-780

Docks,

—authority of Harbor Master, when to be exercised.
Acts, Sec. 468..... 314

—City Dock, improvement of.
Acts, Sec. 467..... 314

—docks, obstruction of, penalty.
Acts, Sec. 469..... 315

—Harbor Master, when to remove vessels.
Acts, Sec. 468..... 314

—made land, city's title to.
Acts, Sec. 467..... 314

—notice to obstructing vessels.
Acts, Secs. 469-470..... 315

—obstructing vessels at docks, penalty.
Acts, Sec. 468..... 314

—obstructing docks, penalty.
Acts, Secs. 469-470..... 315

—penalties, recovery of.
Acts, Sec. 471..... 316

—violation of permits to enter docks.
Ords., Art. 13, Sec. 33. 785

—permits to enter.
Ords., Art. 13, Sec. 33. 785

—penalty for violating requirements of.
Ords., Art. 13, Sec. 33. 785

—police, powers of.
Acts, Secs. 468-470.... 314-15

—private docks; entering, penalty.
Acts, Sec. 469..... 315

fines and penalties—collection of.
Ords., Art. 13, Sec. 35.... 786

—for breach of ordinances.
Acts, Sec. 6..... 52

Page

HARBOR, DOCKS, Etc.—(Cont'd).

gang planks, provisions relating to; penalty.	
Ords., Art. 13, Sec. 28.....	783, 784
general powers.	
Acts, Sec. 6.....	51

Harbor,

—alteration of wharves.	
Acts, Sec. 463.....	313
—basin, obstruction of,	
Acts, Sec. 463.....	313
—channel, diverting.	
Acts, Sec. 463.....	313
—demolition of wharves by city.	
Acts, Sec. 464.....	313
—extension of wharves, consent of Board.	
Acts, Sec. 463.....	313
—fees of Harbor Master.	
Acts, Sec. 465.....	313
—foreign vessels, charges on.	
Acts, Sec. 465.....	313
—Harbor Master, fees of.	
Acts, Sec. 465.....	313
—penalty for obstruction or injury to.	
Acts, Sec. 464.....	313
—private wharves, vessels at.	
Acts, Sec. 470.....	315
—recovery of charges on foreign vessels.	
Acts, Sec. 466.....	313
—title of city to made land.	
Acts, Sec. 467.....	314
—vessels defined.	
Acts, Sec. 470.....	315
—vessels obstructing docks, etc.	
Acts, Secs. 468-70.....	314-15
—vested rights not disturbed.	
Acts, Sec. 467.....	314
—to direct Harbor Engineer.	
Ords., Art. 13, Sec. 1.....	772
—to mark anchorages, Nos. 1, 2, 3 and 4, by buoys.	
Ords., Art. 13, Sec. 4.....	773
—work of contractors; Board to supervise.	
Ords., Art. 13, Sec. 3.....	773

Page

HARBOR, DOCKS, Etc.—(Cont'd).
Harbor Engineer.

duties of, oath and bond of.	
Ords., Art. 13, Sec. 1.....	772
—subordinates; duties, oaths and bonds of.	
Ords., Art. 13, Sec. 1.....	772

Harbor Master,

—accounts of; expenses of.	
Ords., Art. 13, Sec. 15.....	777, 778
—berths for vessels; to keep free passage in docks.	
Ords., Art. 13, Sec. 33.....	785
—daily collection of dues for dockage and wharfage by.	
Ords., Art. 13, Sec. 15.....	777, 778
—goods on wharves—removal of.	
Ords., Art. 13, Sec. 17.....	778, 779
—penalty for interfering with.	
Ords., Art. 13, Sec. 35.....	786
—to fix wharf and pier regulations.	
Ords., Art. 13, Sec. 30.....	784
—time of vessels at wharves.	
Ords., Art. 13, Sec. 16.....	778

Ice Boat,

—accounts of.	
Acts, Sec. 485.....	319
—annual report on.	
Acts, Sec. 485.....	319
—commerce, use in aid of.	
Acts, Sec. 483.....	318
—Comptroller of Treasury—report on to.	
Acts, Sec. 485.....	319
—control of by Harbor Board.	
Acts, Sec. 480.....	318
—crew of.	
Acts, Sec. 481.....	318
—expenses of.	
Acts, Sec. 484.....	319
—ice, removal of by.	
Acts, Sec. 485.....	319
—maintenance of.	
Acts, Sec. 480.....	318
—officers of.	
Acts, Sec. 481.....	318
—operations of iceboat, annual report on.	
Acts, Sec. 485.....	319

HARBOR, DOCKS, Etc.—(Cont'd).**Ice Boat.—(Cont'd).**

- rates of towage, etc., of vessels.
Acts, Sec. 483..... 318
- receipts of iceboat, application of.
Acts, Sec. 483..... 318
- relief of vessels.
Acts, Sec. 482..... 318

obstructions in harbor—removal sunken vessels; costs of; penalty.
Ords., Art. 13, Sec. 19.... 780

obstructions to navigation—penalty for setting same adrift.

- Ords., Art. 13, Sec. 20.... 781
- provisions relating to; penalty for violation.
Ords., Art. 13, Sec. 20.... 780, 781

—securing and sale of, by Harbor Board.
Ords., Art. 13, Sec. 20.... 780

—vessels not to obstruct other vessels; penalty.
Ords., Art. 13, Sec. 32.... 785

pollution—and obstruction of harbor and basin.

- Acts, Sec. 6..... 51, 52
- of harbor; gas liquors not drain into harbor; penalty.
Ords., Art. 13, Sec. 23.... 782
- of Patapsco River; provisions, relating to; penalty for violation of.
Ords., Art. 13, Sec. 24.... 782

power to clean and deepen basin, docks and harbor.

- Acts, Sec. 6..... 51, 52

Private Wharves.

- owners of to be given notice to repair or rebuild.
Ords., Art. 13, Sec. 12.... 776, 777
- repair of.
Ords., Art. 35, Sec. 84.... 1122
- when Harbor Board shall repair; penalty.
Ords., Art. 13, Sec. 12.... 776, 777

HARBOR, DOCKS, Etc.—(Cont'd).

public wharves—Harbor Board to repair and rebuild same.

- Ords., Art. 13, Sec. 12.... 776, 777

rigging of vessels—regulation of; penalty.

- Ords., Art. 13, Sec. 34.... 786

Speed of Vessels,

—regulation of; penalty for violations.

- Ords., Art. 13, Sec. 29.... 784

sunken vessels; removal of; costs of removal; penalty.

- Ords., Art. 13, Sec. 19.... 780

surveys and charts of.

- Acts, Sec. 6..... 51

swimming in harbor; penalty for indecent exposure.

- Ords., Art. 13, Sec. 25.... 782

vessels—speed of regulated; penalty.

- Ords., Art. 13, Sec. 29.... 784

Wharves and Piers,

—extension of without permit, prohibited; penalty.

- Ords., Art. 13, Sec. 11.... 776

—goods on to be removed on order of Harbor Master,

- Ords., Art. 13, Sec. 17.... 778, 779

—use of wharves facilitated; obstruction of prohibited; penalty.

- Ords., Art. 13, Sec. 30.... 784

Wharves and Wharfage,

—charges for wood on State wharves.

- Acts, Sec. 479..... 317

—collection of wharfage by city.

- Acts, Sec. 476..... 317

—cord wood, excessive wharfage on, penalty.

- Acts, Sec. 477..... 317

—cord wood, on Pratt street wharf.

- Acts, Sec. 473..... 316

	Page
HARBOR, DOCKS, Etc.—(Cont'd).	
Wharves, Etc.—(Cont'd).	
—cord wood, on State wharves.	
Acts, Sec. 478.....	317
—cord wood, wharfage on.	
Acts, Sec. 477.....	317
—fruits, fish and vegetables to be removed when a nuisance; penalty,	
Ords., Art. 13, Sec. 13....	777
—informer, fines to.	
Acts, Sec. 473.....	316
" " 477.....	317
—Justices of the Peace to return fines to State Treasurer.	
Acts, Sec. 475.....	316
—lumber and wood on Pratt street wharf, penalty.	
Acts, Sec. 472.....	316
—Pratt st., wharf, regulations of lumber and wood.	
Acts, Sec. 472.....	316
—rates of wharfage.	
Ords., Art. 13, Sec. 17....	778-79
—for goods reshipped.	
Ords., Art. 13, Sec. 17....	778-79
—recovery of fines.	
Acts, Sec. 474.....	316
—regulations of public wharves.	
Acts, Sec. 476.....	317
—return by Justices of the Peace to State Treasurer of fines.	
Acts, Sec. 475.....	316
—time vessels remain at wharves.	
Acts, Sec. 478.....	317
—Tobacco Inspector's permission to land wood on State wharves.	
Acts, Sec. 478.....	317
—Tobacco Inspector, fees of.	
Acts, Sec. 479.....	317
—unclaimed merchandise and perishable articles on.	
Ords., Art. 13, Sec. 13....	777
—vessels at wharves, retailing from.	
Ords., Art. 13, Sec. 31....	784-785
—wharfage charges.	
Acts, Sec. 476.....	317
—wood on State wharves.	
Acts, Sec. 478.....	317

	Page
HARBOR ENGINEER,	
<i>See "Harbor, Docks and Wharves."</i>	
Ords., Art. 13, Sec. 1.....	772
qualifications, salary.	
Acts, Sec. 88.....	147
subordinates of Water Board; appointment of and compensation.	
Acts, Sec. 88.....	148
HARBOR MASTER,	
<i>See "Harbor, Docks and Wharves."</i>	
Acts, Sec.	313
Ords., Art. 13, Sec. 2.....	772, 773
appointment of.	
Acts, Sec. 6.....	52
Sec. 34.....	111
violation of quarantine regulations; report of by.	
Ords., Art. 14, Sec. 178..	858
HAWKERS, HUCKSTERS AND PEDDLERS,	
<i>See "Justices of the Peace."</i>	
fruits and vegetables. (<i>See "Street Venders' Licenses," under Licenses."</i>)	
license of.	
Acts, Sec. 6.....	61
HAWKING GOODS,	
in streets—unlawful after ten o'clock, p. m., penalty.	
Ords., Art. 25, Sec. 91....	988-9
HAY AND STRAW,	
<i>See "Inspections, Weights and Measures."</i>	
keeping for sale, buildings for, penalty.	
Ords., Art. 11, Sec. 61....	756-7
sale of.	
Ords., Art. 17, Sec. 1....	875-6
weighing and inspection of.	
(<i>See "Inspections, Weights and Measures."</i>)	

	Page
HAY SCALES,	
storage charges at State hay scales.	
Acts, Sec. 562.....	346
HEADS OF DEPARTMENTS,	
authority to pass rules and regulations.	
Acts, Sec. 31.....	108
estimates to Board of Estimates.	
Acts, Sec. 36.....	114
Finance, Department of.	
Acts, Sec. 32.....	110
meetings of boards composing heads of departments.	
Acts, Sec. 31.....	108
minority membership of bodies forming.	
Acts, Sec. 30.....	107
participation in discussions in First Branch.	
Acts, Sec. 29.....	107
power to appoint subordinates	
Acts, Sec. 28.....	107
privilege of floor in First Branch.	
Acts, Sec. 29.....	107
privileges of presidents of boards.	
Acts, Sec. 29.....	107
reports to Mayor.	
Acts, Sec. 24.....	104
tenure of office.	
Acts, Sec. 27.....	107

HEALTH,

See "Commissioner of Health;" "Licenses;" "Nuisances;" "Privies;" "Quarantine Hospital" and "Tenement and Lodging Houses."

General Provisions.

ashes and sand, deposit of, in streets, prohibited, penalty, proviso.	
Ords., Art. 25, Sec. 37, 970	

HEALTH.—(Cont'd).	Page
General Provisions.—(Cont'd).	
—in streets, police regulation.	
Ords., Art. 25, Secs. 37-38	970-971
Assistant Commissioner of, duties of.	
Ords., Art. 14, Sec. 4, 797	
—one to be designated Quarantine Hospital Physician.	
Ords., Art. 14, Sec. 4, 797	
—Assistant Medical Examiner, duties of.	
Ords., Art. 14, Sec. 3, 797	
badges for health officers, form and character of.	
Ords., Art. 14, Sec. 7, 798	
—to be worn on duty.	
Ords., Art. 14, Sec. 6, 798	
—unauthorized use, penalty.	
Ords., Art. 14 Sec. 8, 798	
bones, dealing in allowed, proviso.	
Ords., Art. 14, Sec. 92, 825	
boxes for garbage, rubbish, etc., on streets, prohibited, penalty, proviso.	
Ords., Art. 25, Sec. 70, 980	
burial permits, provisions relating to.	
Ords., Art. 14, Sec. 184, 860	
cargoes infected with disease—landing in city prohibited, cleaning of vessel, penalty.	
Ords., Art. 14, Sec. 166,	850-851
cellars, entrance to, not to be denied Commissioner of Health, penalty.	
Ords., Art. 14, Sec. 93, 826	
—filling up same when in state of nuisance.	
Ords., Art. 14, Sec. 94, 826	
—regulation of.	
Acts, Sec. 6.....	53
cess-pools, drainage of.	
Ords., Art. 14, Sec. 145,	841-842
—permits to empty.	
Ords., Art. 14, Sec. 144, 841	

HEALTH.—(Cont'd).**General Provisions.**—(Cont'd).

- chemical laboratories—erection, consent of city required.
- prevention of erection of by ordinance.
Acts, Sec. 493.....321
- children's playgrounds—Children's Playground Association.
- contracts for establishing.
- United Women of Maryland.
Acts, Sec. §493a,.....321
- dangerous and unhealthy substances in streets, penalty, proviso.
Ords., Art. 25, Sec. 69, 980
- dead bodies—burial within 4 days—required, penalty, proviso.
Ords., Art. 14, Sec. 194, 864
- duties of companies transporting, penalty.
Ords., Art. 14, Sec. 187, 861
- permits for conveyance of.
Ords., Art. 14, Sec. 187, 861
- deposits of dirt, ice sand, snow, on Park Avenue, prohibited, penalty.
Ords., Art. 25, Sec. 38, 971
- digest of decisions of Court of Appeals relating to.
note.....53-57
- docks—cleaning of, when in state of nuisance.
Ords., Art. 13, Sec. 22, 781
- docks or wharves—infected articles not to be landed at.
Ords., Art. 14, Sec. 15, 801
- drain pipes, breach of permits for; penalty.
Ords., Art. 14, Sec. 131, 837
Ibid., Sec. 134.....838
- not to be put into city wells; penalty.
Ords., Art. 14, Sec. 151, 843
- permits for, to be obtained from Commissioner of Health.
Ords., Art. 14, Sec. 130, 837

HEALTH.—(Cont'd).**General Provisions.**—(Cont'd).

- violation of provisions; penalty.
Ords., Art. 14, Sec. 134, 838
- drainage—low grounds to be filled up.
Ords., Art. 14, Sec. 94, 826
- owners of buildings to provide for.
Ords., Art. 14, Sec. 150, 843
- of ice ponds, penalty for neglect.
Ords., Art. 14, Sec. 117
118.....832
- expectoration, notice forbidding, to be posted.
Ords., Art. 14, Sec. 102, 828
- in public buildings, street cars, etc.
Ords., Art. 14, Sec. 101, 828
- receptacles for to be provided, cleaning of.
Ords., Art. 14, Sec. 103, 828
- violation of provisions, penalty.
Ords., Art. 14, Sec. 104, 829
- finest and penalties—recovery and accounting.
Ords., Art. 14, Sec. 203, 867
- fish cleaning and keeping; police regulations.
Ords., Art. 25, Secs. 39
40.....971
- cleaning near pumps and fountains prohibited; penalty.
Ords., Art. 25, Sec. 39, 971
- to be kept under roof, penalty.
Ords., Art. 25, Sec. 40, 971
- general powers.
Acts, Sec. 6.....53
- graves, depth of, penalty for violation.
Ords., Art. 14, Sec. 113, 831
- gutters—flushing required.
Ords., Art. 40, Sec. 16,
1182-1183
- police regulations.
Ords., Art. 25, Secs. 50
51.....974

	Page
HEALTH.—(Cont'd).	
General Provisions.—(Cont'd).	
hogs, number allowed to be kept.	
Ords., Art. 14, Sec. 199,	866
—penalty for keeping without permit.	
Ords., Art. 14, Sec. 201,	866
—permits for keeping.	
Ords., Art. 14, Sec. 199,	866
—pens—prohibited within city limits, proviso.	
Ords., Art. 14, Sec. 198,	865
—sale or slaughter of, proviso.	
Ords., Art. 14, Sec. 198,	865
horseshoeing, <i>see under this title.</i>	
hospitals for infectious diseases, <i>see under "Hospitals" sub-title "Infectious Diseases, Hospital for."</i>	
hydrants, leakage from, when a nuisance.	
Ords., Art. 14, Sec. 115,	831
ice ponds, penalty for neglect to drain.	
Ords., Art. 14, Sec. 118,	832
—permit for construction of.	
Ords., Art. 14, Sec. 116,	832
—water to be drained, when.	
Ords., Art. 14, Sec. 117,	832
impure foods, defined.	
Ords., Art. 14, Sec. 62..	815
—sale, etc., prohibited.	
Ords., Art. 14, Sec. 57....	813
—secretion or removal of, after condemnation.	
Ords., Art. 14, Sec. 58....	813
infected dead bodies, to remain unburied no longer than 24 hours, penalty.	
Ords., Art. 14, Sec. 194..	864
Inspector of Plumbing—appointment and qualifications of.	
Ords., Art. 14, Sec. 129..	836
—to give certificate of, approval.	
Ords., Art. 14, Sec. 135..	838
—to supervise all plumbing work.	
Ords., Art. 14, Sec. 132..	837

	Page
HEALTH.—(Cont'd).	
General Provisions.—(Cont'd).	
lodging house, regulation of.	
Acts, Sec. 6.....	53
low grounds to be drained.	
Ords., Art. 14, Sec. 100..	827
manufactures.	
Acts, Sec. 6.....	53
Medical Examiner, assistant to serve in absence of.	
Ords., Art. 14, Sec. 3.....	797
to make post-mortem examinations.	
Ords., Art. 14, Sec. 3....	797
milk—from diseased cows, penalty for sale of.	
Ords. Art. 14, Sec. 56....	812
—not to be kept in room containing cows.	
Ords., Art. 14, Sec. 50..	811
municipal hospital for infectious diseases, diseases treated in.	
Ords., Art. 14, Sec. 10..	799
offensive trades.	
Acts, Sec. 6.....	53
orders of Commissioner of, penalty for failure to comply with.	
Ords., Art. 14, Sec. 201..	866
.....	867
oyster shells, dumping of forbidden, proviso.	
Ords., Art. 14, Sec. 119..	832
.....	833
—storing of by packers, when forbidden, penalty.	
Ords., Art. 14, Sec. 120..	833
penalty for violating regulations for.	
Ords., Art. 14, Sec. 29..	805
—for violation of certain ordinances.	
Ords., Art. 14, Sec. 63....	816
person liable for violation of police regulations.	
Ords., Art. 25, Sec. 72..	981

HEALTH.—(Cont'd).**General Provisions.**—(Cont'd).

play-grounds for children, contract for, with Children's Play-ground Association; provisions of.	
Ords., Art. 14, Sec. 128..	835
.....	836
—to be maintained for \$3000 per year, number of, pro- visions for.	
Ords., Art. 14, Sec. 128..	835
.....	836
plumbing to be done under supervision of Inspector of Plumbing.	
Ords., Art. 14, Sec. 132..	837
—work to be done in accord- ance with orders of In- spector of Plumbing.	
Ords., Art. 14, Sec. 133..	837
.....	838
police officers to execute re- gulations of Commissioner of Health.	
Ords., Art. 25, Sec. 36..	970
pork butchers and packers, keeping of hogs by.	
Ords., Art. 14, Sec. 198..	865
.....	866
post-mortem examinations to be made by medical ex- aminer.	
Ords., Art. 14, Sec. 3....	797
Potter's fields; graves in; gates of; penalty.	
Ords., Art. 14, Sec. 136..	838
.....	839
—to be under control of Com- missioner of Health.	
Ords., Art. 14, Sec. 136..	838
.....	839
prevention of disease, isola- tion of cows.	
Ords., Art. 14, Sec. 51..	811
pulmonary tuberculosis, manner of investigation of cases.	
Ords., Art. 14, Sec. 32..	806
quarantine disinfection, ex- penses of, how paid.	
Ords., Art. 14, Sec. 170..	853
registry of physicians.	
Ords., Art. 14, Sec. 189..	862
.....	863

HEALTH.—(Cont'd).**General Provisions.**—(Cont'd).

seats for female employes in stores or factories, <i>See</i> <i>under this title.</i>	
slaughter and hide houses, investigation of complaints against.	
Ords., Art. 14, Sec. 195..	864
slop carts, filling, etc., police regulations.	
Ords., Art. 25, Sec. 54....	975
Smoke —chimneys of City Hall or Court House, not to emit black smoke.	
Ords., Art. 14, Sec. 122	833
—from other chimneys pro- hibited, exceptions.	
Ords., Art. 14, Sec. 123	833
—violation of provisions, penalty for.	
Ords., Art. 14, Sec. 124	834
stables, nuisances from, pen- alty.	
Ords., Art. 14, Sec. 126..	834
sprinkling and sweeping streets, police regulations.	
Ords., Art. 25, Sec. 55....	975
summary of decisions relating to health ordinances.	
note.....	53
undertakers—duties of when cases of death come before coroner.	
Ords., Art. 14, Sec. 182..	859
.....	860
—when death occurs during attendance of physician.	
Ords., Art. 14, Sec. 181..	858
.....	859
—report of deaths to Com- missioner of Health.	
Ords., Art. 14, Sec. 185..	860
.....	861
vaccination of adults.	
Ords., Art. 14, Sec. 24....	804
—of children.	
Ords., Art. 14, Sec. 23....	803
—to be repeated on failure.	
Ords., Art. 14, Sec. 30....	805
vaccine physician, to attend police officers and cases at station houses.	
Ords., Art. 14, Sec. 9....	798
.....	799

HEALTH.—(Cont'd).	Page
General Provisions. —(Cont'd).	
—appointment of extra.	
Ords., Art. 14, Sec. 28....	805
vaccine virus, to be supplied by physicians of dispensaries receiving city aid.	
Ords., Art. 14, Sec. 30....	805
vaults—permits to empty privy vaults.	
Ords., Art. 14, Sec. 144..	841
vessels infected with disease, detention at quarantine grounds.	
Ords., Art. 14, Sec. 164..	849
.....	850
—inspection of, quarantine regulations relating to.	
Ords., Art. 14, Sec. 162..	847
.....	848
wells and springs, analysis of water of; record; condemnation.	
Ords., Art. 14, Sec. 127..	834
.....	835
wood shavings and vegetable matter, prohibited on wharves and low ground, penalty.	
Ords., Art. 14, Sec. 121..	833
 Commissioner of,	
—absence or sickness of.	
Ords., Art. 14, Sec. 4....	797
—advice to city authorities, other duties.	
Ords., Art. 14, Sec. 1....	796
—analysts and inspectors of bakeries, etc.	
Acts, Sec. 73.....	139
—appointment—duties and powers; salary.	
Acts, Sec. 71.....	138
—of clerks and subordinates and compensation of same.	
Acts, Sec. 71.....	138-139
—assistants—appointment of.	
Acts, Sec. 71.....	138
—salaries.	
Acts, Sec. 76.....	140
—charges for transcripts of births and deaths; accounting of monies.	

HEALTH.—(Cont'd).	Page
Commissioner of. —(Cont'd).	
Ords., Art. 14, Sec. 191	863
—cleaning of privies; penalty.	
Ords., Art. 14, Sec. 143	841
—contagious diseases, duty in.	
Acts, Sec. 78.....	141
—duties relating to communicable diseases.	
App. B, Sec. 1.....	1264-1265
—food regulations to be made by.	
Ords., Art. 14, Sec. 60..	814
—garbage—permits for removal of.	
Ords., Art. 14, Sec. 109	830
—Health Wardens, vaccine physicians to act as.	
Acts, Sec. 78.....	141
—inspection and analysis of foods and food products by.	
Ords., Art. 14, Sec. 60	814
—Inspectors of Foods and Food Products—duties to be defined by.	
Ords., Art. 14, Sec. 61	815
—instructions relating to communicable diseases.	
App. B, Sec. 3.....	1265-1266
—interference with duties of; penalty for.	
Ords., Art. 14, Sec. 2....	797
—milk, inspectors of.	
Acts, Sec. 74,.....	139
—morgue—disposition of bodies in, controlled by.	
Ords., Art. 14, Sec. 79..	821
—penalty for neglect or refusal to comply with orders of.	
Ords., Art. 14, Sec. 202	
.....	866-867
—permits to dump oyster shells.	
Ords., Art. 14, Sec. 119	832
—for drainage of certain cess pools.	
Ords., Art. 14, Sec. 145.....	841-842
—for drain pipes issued by.	
Ords., Art. 14, Sec. 130	837
—privies, emptying and removal of contents.	
Ords., Art. 14, Sec. 140	840
—qualifications required of.	
Acts, Sec. 71.....	138

HEALTH.—(Cont'd).**Commissioner of.—(Cont'd).**

- Quarantine Hospital Physician.
 - Acts, Sec. 75..... 139
 - salary, dwelling, expenses.
 - Acts, Sec. 76..... 140
- Quarantine—powers at.
 - Acts, Sec. 75..... 140
 - regulations—powers relating to.
 - Acts, Sec. 75..... 140
- reports to, by vaccine physicians.
 - Acts, Sec. 77..... 141
- Sanitary Inspectors, appointment of, duties, qualifications.
 - Acts, Sec. 72..... 139
- seizure of infected articles by.
 - Ords., Art. 14, Sec. 22 803
- smoke provisions, enforcement of by.
 - Ords., Art. 14, Sec. 125 834
- transcripts of births and deaths; charges for.
 - Ords., Art. 14, Sec. 190 863
- Vaccine Physicians; appointment of.
 - Acts, Sec. 77..... 140

Births and Deaths,

- blanks to be used in making returns of; no charge for.
 - Ords., Art. 14, Sec. 193 864
- manner of recording.
 - Ords., Art. 14, Sec. 192 863
- physicians to report births.
 - Ords., Art. 14, Sec. 188 862
- registration of by Commissioner of Health.
 - Ords., Art. 14, Sec. 179 858
- registration of in separate books.
 - Ords., Art. 14, Sec. 180 858
- registers of; inspection by public.
 - Ords., Art. 23, Sec. 180 858

Contagious and Infectious Diseases,

- Acts, Sec. 6..... 53
- articles from places infected with.
 - Ords., Art. 14, Sec. 15.. 801
- bedding or clothing infected with.
 - Ords., Art. 14, Sec. 15.. 801

HEALTH.—(Cont'd).**Contagious and Infectious Diseases.—(Cont'd).**

- bodies infected with, to be buried within 24 hours.
 - Ords., Art. 14, Sec. 194 864
- carried in vehicles for that purpose only.
 - Ords., Art. 14, Sec. 26 804
- burial of persons dying of.
 - Ords., Art. 14, Sec. 17.. 801
- fencing and guarding of infected localities.
 - Ords., Art. 14, Sec. 19.... 802
- hotel and housekeepers' report of.
 - Ords., Art. 14 Sec. 12799-800
- houses infected to be disinfected.
 - Ords., Art. 14, Sec. 18801-802
- infection of small pox by inoculation; penalty for.
 - Ords., Art. 14, Sec. 31.... 805
- investigation and report of by Commissioner.
 - Ords., Art. 14, Sec. 1.... 796
- landing of articles from infected places forbidden.
 - Ords., Art. 14, Sec. 15.. 801
- list of.
 - Ords., Art. 14, Sec. 11.. 799
- masters, etc., of vessels, report by.
 - Ords., Art. 14, Sec. 14.. 800
- persons required to report cases of.
 - Ords., Art. 14, Secs. 11-14.....799-800
- physicians' report of.
 - Ords., Art. 14, Sec. 11.. 799
- placarding premises to prevent spread of.
 - Ords., Art. 14, Sec. 21.. 803
- prevention of spread; penalty.
 - Ords., Art. 14, Sec. 21.. 803
- public and private institutions to report.
 - Ords., Art. 14, Sec. 13.. 800
- public vehicles not to be used to carry persons or bodies infected.
 - Ords., Art. 14, Sec. 25.. 805
- pulmonary tuberculosis sufferers to be registered.
 - Ords., Art. 14, Sec. 32.. 806

HEALTH.—(Cont'd).

Page

Contagious and Infectious Diseases.—(Cont'd.)

- removal of dead bodies.
Ords., Art. 14, Sec. 16.. 801
- of infected persons or dead bodies.
Ords., Art. 14, Sec. 16 801
- report of cases of.
Ords., Art. 14, Secs. 11-14..... 799-800
- seizure of articles infected with.
Ords., Art. 14, Sec. 22.. 803
- temporary structures for persons sick with; houses as hospitals.
Ords., Art. 14, Sec. 20802-803
- vacant property infected with, to be fumigated.
Ords., Art. 14, Sec. 27804-805
- vessels, ships, etc.; quarantine regulations for diseases on.
Ords., Art. 14, Secs. 162-172847-855
- treatment at Quarantine Hospital of cases from.
Ords., Art. 14, Sec. 164849-850
- violation of provisions governing, penalty.
Ords., Art. 14, Sec. 29.. 805

Cows,

- contagious diseases among; report of to Commissioner of Health.
Ords., Art. 14, Sec. 51 811
- eight allowed to $\frac{1}{4}$ acre; penalty.
Ords., Art. 14, Sec. 34 807
- enclosures for, to be graded and drained.
Ords., Art. 14, Sec. 49 810
- fresh water to be provided.
Ords., Art. 14, Sec. 48 810
- four or less, provision for keeping.
Ords., Art. 14, Sec. 37 808
- open drains or garbage not allowed in enclosures.
Ords., Art. 14, Sec. 49 810
- pasturage of; penalty.
Ords., Art. 14, Sec. 35 807

Page

HEALTH.—(Cont'd).**Cows.**—(Cont'd).

- permit from Health Commissioner; penalty.
Ords., Art. 14, Sec. 33 806-807
- sale of milk from diseased cows prohibited; penalty.
Ords., Art. 14, Sec. 56 812
- space for each to be $\frac{1}{4}$ acre.
Ords., Art. 14, Sec. 33 806
- tuberculin test.
Ords., Art. 14, Sec. 52 811

Cow Stables,

- existing regulations not to be repealed.
Ords., Art. 14, Sec. 39808-809
- owners to register place of, with Commissioner of Health; penalty.
Ords., Art. 14, Sec. 36 807-808
- penalty for violating health regulations.
Ords., Art. 14, Sec. 55 812
- sales and exchange stables; regulations for.
Ords., Art. 14, Sec. 38 808
- sanitary regulations for.
Ords., Art. 14, Sec. 37 808
- crews and passengers; vaccination of; charges.
Ords., Art. 14, Sec. 177 857

Dairies,

- buildings of to be thoroughly cleaned.
Ords., Art. 14, Sec. 46 810
- cleanliness of persons handling products of.
Ords., Art. 14, Sec. 54 812
- contagious diseases in; report of to Commissioner of Health.
Ords., Art. 14, Sec. 53 811-812
- cows of; to be cleaned every day, fed and watered.
Ords., Art. 14, Sec. 47 810
- floors of stables—specifications.
Ords., Art. 14, Sec. 41 809

HEALTH.—(Cont'd).**Dairies.**—(Cont'd.).

- milk; care and keeping of, in.
Ords., Art. 14, Sec. 50810-811
- other animals not to be stabled in.
Ords., Art. 14, Sec. 43 809
- penalty for violating health regulations.
Ords., Art. 14, Sec. 55 812
- premises to be clean and in good repair.
Ords., Art. 14, Sec. 45 810
- stables of—feed troughs; receptacles for refuse.
Ords., Art. 14, Sec. 42 809
- lighting and ventilation.
Ords., Art. 14, Sec. 40 809
- sewerage connections for.
Ords., Art. 14, Sec. 41 809
- stabling cows in.
Ords., Art. 14, Sec. 40 809
Sec. 37 808
- stalls, width of.
Ords., Art. 14, Sec. 44 809
- vessels for reception, storage and delivery of milk.
Ords., Art. 14, Sec. 50 811
- violation of provisions; relating to; penalty.
Ords., Art. 14, Sec. 55 812
- water closets, etc., forbidden in.
Ords., Art. 14, Sec. 43 809

Death Certificates,

- coroner to furnish, when.
Ords., Art. 14, Sec. 182 859-860
- physicians to furnish same to undertaker.
Ords., Art. 14, Sec. 181,858-859
- requisites of coroner's certificate.
Ords., Art. 14, Sec. 183, 860
- statements necessary in.
Ords., Art. 14, Sec. 183, 860
- undertakers—when issued to by Commissioner of Health.
Ords., Art. 14, Sec. 185,860-861
- violation of provisions relating to, penalty for.
Ords., Art. 14, Sec. 186, 861

HEALTH.—(Cont'd).**Death Certificates.**—(Cont'd).

- when diseases are contagious.
Ords., Art. 14, Sec. 182,859-860

Foods and Food Products,

- chemists to test.
Ords., Art. 14, Sec. 61,814-815
- definition of terms relating to.
Ords., Art. 14, Sec. 62, 815
- indictments for sale of impure foods or food products.
Ords., Art. 14, Sec. 62, 815
- inspection of, to be made by Commissioner of Health.
Ords., Art. 14, Sec. 60, 814
- inspectors and analysts of, appointment, qualifications, duties and salary.
Ords., Art. 14, Sec. 61,814-815
- meaning of, proviso.
Ords., Art. 14, Sec. 62, 815
- milk, standard qualities of.
Ords., Art. 14, Sec. 59, 813
- oysters not to be peddled during specified time, penalty.
Ords., Art. 14, Sec. 64, 816
- regulations concerning, Commissioner of Health, to make.
Ords., Art. 14, Sec. 60, 814
- sale of impure food prohibited.
Ords., Art. 14, Sec. 57, 813
- secretion or unlawful removal after condemnation prohibited.
Ords., Art. 14, Sec. 58, 813
- violation of provisions relating to, penalty.
Ords., Art. 14, Sec. 63, 816

Garbage,

- burning of, at dumps, penalty.
Ords. Art. 14, Sec. 107,829-830
- carts, police regulations.
Ords., Art. 25, Secs. 41-49.....972-974

	Page
HEALTH. —(Cont'd).	
Garbage. —(Cont'd).	
—private property, dumps on prohibited.	
Ords., Art. 14, Secs. 111 112.....	830-831
—removal of, permit for removal.	
Ords., Art. 14, Sec. 108,	830
—violation of provisions relating to, penalty.	
Ords., Art. 14, Sec. 110,	830
Injurious Manufactories,	
—bone factories, etc., permitted with consent of Mayor and City Council.	
Ords., Art. 14, Sec. 67,	817
—brick or tile manufactories, permit, penalty.	
Ords., Art. 14, Sec. 76,	820
—chemical or mechanical preparation for roofing, manufacture of, prohibited, violation, penalty.	
Ords., Art. 14, Sec. 65,	816-817
—composition roofing factory regulations, violation, penalty.	
Ords., Art. 14, Sec. 66,	817
—cotton wadding, etc., factories prohibited, penalty.	
Ords., Art. 14, Sec. 75,	819
—earthenware or stoneware manufactories prohibited, penalty.	
Ords., Art. 14, Sec. 69,	818
—establishments for rendering animal offal prohibited, penalty.	
Ords., Art. 14, Sec. 77	820
—stockyards prohibited, penalty.	
Ords., Art. 14, Sec. 77,	820
—pulverizing charcoal mill, permit, penalty.	
Ords., Art. 14, Sec. 72,	818-819
—red and yellow ochre, conditions for erection of, penalty.	
Ords., Art. 14, Sec. 73,	819
—soap and candle manufactory, consent of Mayor and City Council necessary, penalty.	
Ords., Art. 14, Sec. 70,	818

	Page
HEALTH. —(Cont'd).	
Injurious Man'f'tories. —(Cont'd).	
—and candle, permit to erect, notice of application for.	
Ords., Art. 14, Sec. 71,	818
—turpentine or varnish distilleries prohibited, penalty.	
Ords., Art. 14, Sec. 69,	818
—violations of provisions relating to, penalty.	
Ords., Art. 14, Sec. 68,	817
Manufactories Prohibited and Restricted,	
—animal substances, horn, bones, blood, etc.—burning of prohibited, penalty.	
Ords., Art. 14, Sec. 74,	819
—charcoal, pulverizing of, permit for erection of required, penalty.	
Ords., Art. 14, Sec. 72,	818-819
—clay, brick and tile factories, advertisement of permit for erection of.	
Ords., Art. 14, Sec. 76,	820
—brick and tile factories, penalty.	
Ords., Art. 14, Sec. 76,	820
—cotton wadding, laps or bats, penalty.	
Ords., Art. 14, Sec. 75,	819
—copal, varnish or bone factories.	
Ords., Art. 14, Sec. 67, 68	817
—earthenware or stoneware factories, penalty.	
Ords., Art. 14, Sec. 69,	818
—glue, poudrette and grease works, penalty.	
Ords., Art. 14, Sec. 77,	820
—red or yellow ochre for yellow paints, etc., property owners to consent, penalty.	
Ords., Art. 14, Sec. 73,	819
—rendering grease or animal offal of stockyards.	
Ords., Art. 14, Sec. 77,	820
—roofing composition, penalty.	
Ords., Art. 14, Sec. 66,	816
—preparations, penalty.	
Ords., Art. 14, Sec. 65,	816-817

HEALTH.—(Cont'd).**Manufactories Prohibited and Restricted.—(Cont'd).**

- soap and candle—advertisement of application for permit.
Ords., Art. 14, Sec. 71, 818
- application for erection of.
Ords., Art. 14, Sec. 71, 818
- penalty.
Ords., Art. 14, Sec. 70, 818
- sulphuric, nitric, muriatic acids or other dangerous chemicals enumerated, penalty.
Ords., Art. 14, Sec. 74, 819
- turpentine distilleries, penalty.
Ords., Art. 14, Sec. 69, 818

Midwifery,

- parents report of births.
Ords., Art. 14, Sec. 188, 862
- persons practicing to report births.
Ords., Art. 14, Sec. 188, 862
- physicians' report of births.
Ords., Art. 14, Sec. 188, 862
- registry of births kept by midwife.
Ords., Art. 14, Sec. 188, 862
- violation of provisions, penalty for.
Ords., Art. 14, Sec. 188, 862

Morgue,

- charge of.
Ords., Art. 14, Sec. 83... 821
- clothing and effects of deceased persons in.
Ords., Art. 14, Sec. 80.. 821
- Commissioner of Health to have charge, make regulations for.
Ords., Art. 14, Sec. 83... 821
- coroners to dispose of clothing and effects of persons buried from.
Ords., Art. 14, Sec. 80.. 821
- detention of bodies in.
Ords., Art. 14, Sec. 78.. 820
- Superintendent, appointment and qualifications of.
Ords., Art. 14, Sec. 81.. 821
- Superintendent of, bond of.
Ords., Art. 14, Sec. 82.. 821

HEALTH.—(Cont'd).**Morgue.—(Cont'd).**

- to enforce regulations.
Ords., Art. 14, Sec. 83.. 821
- use of.
Ords., Art. 14, Sec. 78.. 820

Night Soil,

- action when deposits of, become a nuisance.
Ords., Art. 14, Sec. 155.. 843
- contract for removal, revocation of.
Ords., Art. 14, Sec. 157.. 845
- of privies, without city, not to be carried through streets, penalty.
Ords., Art. 14, Sec. 146.. 842
- removal of, by contract with R. R. Zell & Co., penalty.
Ords., Art. 14, Sec. 156.. 844
- to be deposited at places selected by Commissioner of Health, penalty.
Ords., Art. 14, Sec. 154.. 843
- nuisances—(See "*Nuisances*.")
Acts, Sec. 6,..... 53

HEALTH ORDINANCES,

- decisions in relation to.
note..... 53

HEALTH REGULATIONS,

See "*Health*."

HEALTH WARDENS,

- vaccine physicians to act as.
Acts, Sec. 78..... 141

HEARINGS,

See "*Various Titles Relating to condemnations and assessments*."

- appeals from assessments of taxes.
Acts, Sec. 170..... 185
- City Council hearings—ordinances for grading, paving, etc.
Acts, Sec. 6..... 75
Ords., Art. 35, Sec. 90..1125
- condemnation proceedings relating to water.
Acts, Sec. 6..... 90

HEARINGS.—(Cont'd).

- sewers, opening, closing, etc.,
assessments and review.
Ords., Art. 33, Sec. 8.....1066
- streets, opening, closing, etc.
corrections and revaluations.
Acts, Sec. 177..... 195

**HEATING APPARATUS,
CHIMNEYS AND FLUES,**

- See "Buildings," sub-title
"Chimneys, Flues and
Heating Apparatus."*
Ords., Art. 3, Secs. 23-
43.....607-613

**HEIGHT OF BUILDINGS,
STORIES AND WALLS,**

- See "Buildings," under this
sub-title.*
Ords., Art. 3, Secs. 93-
98..... 632-633

**HIBERNIAN SOCIETY OF
BALTIMORE,**

- immigrants—commutation
money, disbursement of.
Acts, Sec. 528..... 335
- disbursement of penalties
imposed.
Acts, Sec. 529..... 336

HIGH SCHOOLS,

- fees for tuition of non-
resident pupils in.
Ords., Art. 32, Sec. 34.....1055
- graduates of, testimonials to.
Ords., Art. 32, Sec. 12.....1047
- principals and professors of,
appointment of.
Acts, Sec. 100..... 153
- renting halls of Eastern and
Western, proviso.
Ords., Art. 32, Secs. 2-
3.....1044

**HIGHWAYS, BRIDGES AND
STREETS,**

- See "Streets and City Engi-
neer," and "Streets, Brid-
ges and Highways."*

**HISTORY, PICTORIAL, OF
CITY,**

- City Librarian to collect and
develop.
Ords., Art. 21, Sec. 9..... 907

**HOGSHEADS BARRELS
AND CASKS,**

- hydrants and pumps not to
be obstructed by.
Ords., Art. 40, Sec. 18.....1183

HOHMAN, CONRAD,

- driving hogs through streets,
special permission to.
Ords., Art. 25, Sec. 21.... 966

HOGS,

- number to be kept.
Ords., Art. 14, Sec. 199.. 866
- penalty for keeping without
permit.
Ords., Art. 14, Sec. 201.. 866
- pens for, prohibited within
city limits, proviso.
Ords., Art. 14, Sec. 198.. 865
- permits for keeping.
Ords., Art. 14, Sec. 199.. 866
- sale or slaughter of.
Ords., Art. 14, Sec. 198.. 865

**HOGS, SHEEP AND
CATTLE, DRIVING
THROUGH STREETS,**

- See "Cattle, Sheep and Swine
Driving Through Streets."*
Ords., Art. 25, Secs. 11-
31.....964-969

**HOISTS, ELEVATORS AND
LIFTS,**

- See "Buildings," sub-title
"Elevators."*
.....618-626

**HOLDERS OF CITY
LOANS,**

- list of—to be sent to City
Register and State Comp-
troller annually.
Acts, Sec. 152..... 174
- to be corrected annually.
Acts, Sec. 152 174

HOLIDAYS,

employes of city, observation of Labor Day, by.	
Ords., Art. 15, Sec. 2.....	867
.....	868

"Labor Day," first Monday in September.	
Ords., Art. 15, Sec. 2.....	867

legal.	
Acts, Sec. § 279a, § 279c.....	250
.....	251

Saturday half-holiday, office hours of municipal departments, on.	
Ords., Art. 15, Sec. 3.....	868

September twelfth, municipal.	
Ords., Art. 15, Sec. 1.....	867

HOLLINS MARKET,

<i>See "Hollins Market" under "Markets."</i>	
provisions relating to.	
Ords., Art. 23, Secs. 90-92.....	945-946

HORSE DEALERS,

See "Licenses."

HORSE RACING,

for gaming purposes prohibited.	
Ords., Art. 12, Sec. 5.....	769

HORSES, CARRIAGES AND WAGONS,

<i>See "Auctioneers."</i>	
regulations by mayor relating to.	
Acts, Sec. 258.....	238

sales at auction.	
(<i>See "Licenses" and "Vehicles."</i>)	

streets in which prohibited.	
Ords., Art. 4, Sec. 33.....	691

HORSESHOEING,**Board Of Examiners Of Horseshoers,**

—affidavit of qualified horse-shoers,	
Acts, Sec. § 515d.....	330
—appointment of board.	
Acts, Sec. § 515b.....	329

HORSESHOEING.—(Cont'd).**Board Of Examiners Of Horseshoers.—(Cont'd).**

—apprenticeship required.	
Acts, Sec. § 515d.....	330
—by-laws.	
Acts, Sec. § 515c.....	329
—certificate form, record of.	
Acts, Sec. § 515e.....	330
—certificate granting of.	
Acts, Sec. § 515c.....	329
—certificate, as evidence.	
Acts, Sec. § 515e.....	330
—certificate from other boards.	
Acts, Sec. § 515d.....	330
—composition of board.	
Acts, Sec. § 515b.....	329
—copies of certificate, fee for.	
Acts, Sec. § 515e.....	330
—copies of requirements.	
Acts, Sec. § 515c.....	329
—duties.	
Acts, Sec. § 515b.....	329
—evidence, certificate as.	
Acts, Sec. § 515e.....	330
—exemption from provisions.	
Acts, Sec. § 515d.....	330
—fees for certificate.	
Acts, Secs. § 515c, § 515d.....	329
.....	330
—fines to school fund.	
Acts, Sec. § 515f.....	331
—majority of Board may grant certificates.	
Acts, Sec. § 515c.....	329
—meetings.	
Acts, Sec. § 515c.....	329
—misdemeanor, violations to be.	
Acts, Sec. § 515f.....	331
—officers.	
Acts, Sec. § 515c.....	329
—owners of horses, proviso.	
Acts, Sec. § 515f.....	331
—penalty hereunder.	
Acts, Sec. § 515f.....	331
—proceedings to be public.	
Acts, Sec. § 515c.....	330
—proviso as to owners.	
Acts, Sec. § 515f.....	331
—qualifications required.	
Acts, Sec. § 515c.....	329
—record of certificates issued.	
Acts, Sec. § 515e.....	330

	Page
HORSESHOEING. —(Cont'd).	
Board Of Examiners Of Horseshoers. —(Cont'd).	
—requirements, issue printed copies of, to applicants.	
Acts, Sec. §515c.....	329
—rules and regulations.	
Acts, Sec. §515c.....	329
—term of office.	
Acts, Sec. §515b.....	329
—unlicensed horseshoeing, unlawful.	
Acts, Sec. §515a.....	328
—vacancy on Board.	
Acts, Sec. §515b.....	329
—veterinarian on Board.	
Acts, Sec. §515b.....	329
—violations hereunder to be misdemeanor.	
Acts, Sec. §515f.....	331

HORSES, MARES AND GELDINGS,

See "*Livery Stable Keepers.*"

not to be loose in streets, to be guided by reins or led, not allowed on foot-ways, penalty, proviso.	
Ords., Art. 4, Sec. 3.....	683
on sidewalks, permit required, proviso, penalty.	
Ords., Art. 25, Sec. 99....	991
shoeing in streets prohibited, penalty.	
Ords., Art. 25, Sec. 75....	983
water charges for other than draft horses.	
Ords., Art. 41, Sec. 54....	1218

HOSE OF FIRE DEPARTMENT,

driving over when in use, penalty.	
Ords., Art. 11, Sec. 49..	753

HOSPITALS,

Bay View Asylum, curative treatment for patients at.	
Ords., Art. 16, Sec. 6.....	870
burial of city's insane from hospitals having contract with city.	
Ords., Art. 16, Sec. 11....	872

HOSPITALS. —(Cont'd).	
certificate of physicians in treatment of pauper insane.	
Ords., Art. 16, Sec. 7.....	870
city's insane at, dismissal from.	
Ords., Art. 16, Sec. 10....	872
city patients, burial of.	
Ords., Art. 16, Sec. 9, 11.....	871-2
collection of fines, etc., imposed.	
Ords., Art. 16, Sec. 16....	873
consumptives hospital.	
Acts, Sec. §493e.....	323
contracts with, by city for treatment of indigent insane.	
Ords., Art. 16, Sec. 10....	872
examination monthly of patients at Bay View.	
Ords., Art. 16, Sec. 6.....	870
general powers.	
Acts, Sec. 6.....	54
hospitals treating city's insane, regulation of.	
Ords., Art. 16, Sec. 10....	872
Infectious Diseases, Hospitals for,	
—appropriations for.	
Acts, Sec. §493b.....	322
—detention of suspects.	
Acts, Sec. §493d.....	322
—diseases to be treated.	
Acts, Sec. §493c.....	322
—to be treated in temporary hospitals.	
Acts, Sec. §493d.....	322
—erection of temporary buildings.	
Acts, Sec. §493d.....	322
—hospital for consumptives of Maryland.	
Acts, Sec. §493e.....	322
—location by ordinance.	
Acts, Sec. §493b.....	322
—ordinance authorizing.	
Acts, Sec. §493c.....	322
—site to be approved and authorized by ordinance.	
Acts, Sec. §493b.....	322

	Page
HOSPITALS. —(Cont'd).	
Infectious Diseases. —(Cont'd).	
—suspects, detention of.	
Acts, Sec. §493d.....	322
—temporary places of detention.	
Acts, Sec. §493d.....	322
—vote for ordinance authorizing.	
Acts, Sec. §493b	322
Insane Asylums,	
—buildings already erected not to be used as.	
Ords., Art. 16, Sec. 2.....	869
—erection of in city unlawful.	
Ords., Art. 16, Sec. 1.....	869
—fine and penalty for locating in city.	
Ords., Art. 16, Sec. 3.....	869
insane paupers, curative treatment for, at expense of city.	
Ords., Art. 16, Sec. 7.....	871
maintenance and treatment of insane paupers.	
Ords., Art. 16, Sec. 8.....	871
Maryland Hospital transfer to of curable indigent lunatics.	
Ords., Art. 16, Sec. 6.....	870
note.....	871
pauper insane, treatment of at expense of city.	
Ords., Art. 16, Sec. 7.....	871
penalty for hospitals violating provisions.	
Ords., Art. 16, Sec. 13....	873
permit for insane paupers in State hospitals at expense of city.	
Ords., Art. 16, Sec. 7.....	871
records of city patients at hospitals.	
Ords., Art. 16, Sec. 8.....	871
report on city patients, to be made quarterly by officers of.	
Ords., Art. 16, Sec. 7.....	871

	Page
HOSPITALS. —(Cont'd).	
Sick, Hospitals for,	
—application for authority to establish.	
Ords., Art. 16, Sec. 4.....	870
—consent of city to establishment of.	
Ords., Art. 16, Sec. 4.....	870
—fine for unauthorized establishment of.	
Ords., Art. 16, Sec. 5.....	870
—notice of application for authority to establish.	
Ords., Art. 16, Sec. 4.....	870
—penalty for unauthorized establishment of.	
Ords., Art. 16, Sec. 5.....	870
—publication of application for authority to establish.	
Ords., Art. 16, Sec. 4.....	870
Supervisors of City Charities to visit those having contracts with city.	
Ords., Art. 16, Sec. 12....	873
temporary structures for treatment of contagious diseases.	
Ords., Art. 14, Sec. 20....	802, 803
.....	802, 803
HOSPITALS FOR INSANE,	
<i>See "Hospitals" sub-title "Insane Asylums."</i>	
city patients at, maintenance of.	
Ords., Art. 16, Sec. 8.....	871
HOSPITALS FOR THE SICK,	
<i>See "Hospitals" sub-title "Sick, Hospitals for."</i>	
HOTELS AND APARTMENT HOUSES,	
fire gongs in.	
(<i>See "Fire Regulations."</i>)	
HOURS,	
for driving cattle and hogs through streets.	
Ords., Art. 25, Sec. 11....	964
market regulations for	
Ords., Art. 23, Sec. 57....	936
Of Labor,	
—day, eight hours to constitute; exceptions; penalty.	
Acts, Sec. 516.....	331

HOURS.—(Cont'd).	Page
Of Labor.—(Cont'd).	
—Paving Commission, work under.	
Acts, Sec. §841o.....	541
—railroads, employes of.	
(See " <i>Railroads and Railways.</i> ")	
—street cleaning force.	
Ords., Art. 36, Sec. 16.....	1146

HOUSE OF CORRECTION,

<i>See "Houses of Refuge and Reformation."</i>	
telegraph line to; city to maintain.	
Acts, Sec. 782.....	484
commitments to in default of security to keep peace, or payment of costs.	
Acts, Sec. 142.....	169
destroying property maliciously, imprisonment for in.	
Acts, Sec. 401.....	297

HOUSE OF GOOD SHEPHERD FOR COLORED GIRLS,

See "Houses of Refuge and Reformation."

HOUSES,

<i>See "Buildings" and "Topographical Survey."</i>	
numbering same.	
Acts, Sec. 6.....	79
—in annex.	
Ords., Art. 39, Secs. 8-11.....	1174

HOUSES OF CORRECTION,

<i>See "Houses of Refuge and Reformation."</i>	
erection and regulation of.	
(See " <i>Hospitals.</i> ")	
Acts, Sec. 6.....	54

HOUSES,

<i>See "Markets."</i>	
Ords., Art. 23, Sec. 113.....	952-953

HOUSES OF REFUGE AND REFORMATION,	Page
appropriation per capita for minors committed.	
Acts, Sec. 517.....	332
Boys' Home Society of Baltimore City, annual appropriation to.	
Acts, Sec. 517.....	332
Colored House of Refuge, per capita appropriation to.	
Acts, Sec. 517.....	332
Criminal Court, Judge of to visit House of Good Shepherd.	
Acts, Sec. 518.....	332
Female House of Refuge, annual appropriation to.	
Acts, Sec. 517.....	332
House of Good Shepherd for Colored Girls, per capita, appropriation to.	
Acts, Sec. 517.....	332
House of Refuge, per capita appropriation to, improvements to.	
Acts, Sec. 517.....	332
Industrial Home for Colored Girls, per capita appropriation to.	
Acts, Sec. 517.....	332
minors in, appropriation for.	
Acts, Sec. 517.....	331
note, cases cited.....	332
Police Commissioners, President of Board to visit House of Good Shepherd.	
Acts, Sec. 518.....	332
Police, Marshal of to visit House of Good Shepherd.	
Acts, Sec. 518.....	332
St. Mary's Industrial School, per capita appropriation to.	
Acts, Sec. 517.....	332
St. Vincent of Pauls Asylum of Baltimore, appropriation to.	
Acts, Sec. 517.....	332

HOT AIR FURNACES AND HEATING APPARATUS,

inspection of.

(See "*Inspector of Buildings*" sub-title "*Inspection of Hot Air Furnaces and Heating Apparatus.*")

Ords., Art. 3, Secs. 23-43607-613

HOTEL KEEPERS,

liquors, sale of.

(See "*Licenses.*")

HOTELS,

See "*Buildings*," "*Fire Regulations*" and "*Inspector of Buildings.*"

—safety regulations for—
floor plan, fire escapes,
inspection, penalty.

Ords., Art. 11, Secs. 67,
68.....758-9

HUCKSTERS,

Hanover market; limits for.

Ords., Art. 23, Sec. 88.... 945

HUNTING, FISHING, ETC., ON SABBATH,

penalty.

Ords., Art. 31, Sec. 3.....1041

HYDRANTS,

See "*Health*" and "*Water.*"

Ords., Art. 14, Sec. 114.. 831

fire hydrants—flushing gut-
ters with.

Ords., Art. 40, Sec. 16....
.....1182, 1183

leakage from.

Ords., Art. 14, Sec. 114.. 831

obstruction of; penalty.

Ords., Art. 40, Sec. 18....1183

yard hydrants—excessive dis-
charge of water; penalty.

Ords., Art. 40, Sec. 19....
.....1183, 1184

—obstruction of public hy-
drants forbidden.

Ords., Art. 40, Sec. 18....1183

—Water Board to approve.

Ords., Art. 40, Sec. 21....1184

HYDRANTS AND FIRE PLUGS,

water, police to report waste
from.

Ords., Art. 25, Sec. 115.. 996

HYDRAULIC ELEVATORS,

See "*Buildings*" sub-title "*Elevators.*"

water charges for; return
tanks for.

Ords., Art. 41, Sec. 57....1219

HYDROSTATIC TEST OF BOILERS,

See "*Steam Boilers.*"

HYGIENIC AND SANITARY REGULATIONS,

See "*Health.*"

cows, cow stables and dairies.

Ords., Art. 14, Secs. 33-
55806-812

ICE,

sale of on Sunday, prohibited;
penalty.

Acts, Sec. 806..... 499

Acts, Sec. 807..... 499

ICE AND SNOW,

removal from streets, etc.

Ords., Art. 36, Sec. 15....1145

ICE BOATS,

See "*Harbor, Docks and
Wharves.*"

Ords., Art. 13, Sec. 27.. 783

ICE PONDS,

See "*Health.*"

Ords., Art. 14, Sec. 116.. 832

ICE, SALE OF,

See "*Inspections, Weights and
Measures.*"

Ords., Art. 17, Secs. 33-4, 886

ILLEGAL SALES ON STREETS,

See "*Sales.*"

police regulations for.

Ords., Art. 25, Secs. 91-

94.....988-9

	Page
ILLNESS OF FIREMEN,	
no deduction in pay for.	
Ords., Art. 11, Sec. 9.....	739
ILLUMINATING GAS, OILS AND FLUIDS,	
<i>See "Fire Regulations" and "Gas Companies."</i>	
inspection of, (<i>See "Lamps and Lighting," sub-title "Assistant Superintendent of."</i>)	
Ords., Art. 20, Secs. 24- 30.....	901-3
kerosene, coal oil, etc., sale of.	
Ords., Art. 11, Sec. 86....	766
IMMIGRANTS,	
aliens, master of vessel to report data on, to Mayor, penalty.	
Acts, Sec. 519.....	333
ambassadors, consuls, minis- ters, exempt from immi- grant regulations.	
Acts, Sec. 531.....	336
bond for, secured by mort- gage, etc.	
Acts, Sec. 522.....	334
bond of indemnity against pauper aliens.	
Acts, Sec. 520.....	333
commutation money, dis- bursement of.	
Acts, Sec. 528.....	335
finest and penalties—recov- ery of.	
Acts, Sec. 526.....	333
—disbursement of.	
Acts, Sec. 529.....	336
—Mayor may compound or remit.	
Acts, Sec. 527.....	333
monies collected, City Regis- ter's per centum.	
Acts, Sec. 530.....	336
per capita tax on aliens landed in lieu of bond.	
Acts, Sec. 524.....	333

IMMIGRANTS.—(Cont'd).	Page
security to be approved by Mayor.	
Acts, Sec. 523.....	333
sureties on indemnity bond for.	
Acts, Sec. 521.....	334
IMPOUNDING DOGS,	
recovery of dogs, penalty for owner.	
Ords., Art. 25, Sec. 10....	964
IMPROVED PAVEMENTS,	
<i>See "Streets and City Engi- neer."</i>	
selection of, by owners; when authorized.	
Ords., Art. 35, Sec. 61....	1112
IMPROVEMENTS,	
<i>See "New Improvements."</i>	
assessment and valuation of.	
Acts, Sec. 148.....	171
Burnt District Commission— procedure in making.	
App. A, Secs. 8-28....	1242-57
description of to be filed with Appeal Tax Court.	
Ords., Art. 38, Sec. 20....	1162
permit for, from Appeal Tax Court required; penalty.	
Ords., Art. 38. Secs. 18- 19.....	1162
public—(<i>See "Board of Public Improvements."</i>)	
IMPURE FOODS,	
<i>See "Health" sub-title "Foods and Food Products."</i>	
Ords., Art. 14, Sec. 62....	815
condemnation of, secretion or removal after.	
Ords., Art. 14, Sec. 58....	813
definition of.	
Ords., Art. 14, Sec. 62....	815
sale of, prohibited.	
Ords., Art. 14, Sec. 57....	813

INCENDIARIES, R E W A R D F O R,

Fire Inspector to offer.
Ords., Art. 11, Sec. 42.... 751

INCORPORATED INSTITU- TIONS,

list of stockholders to be fur-
nished Appeal Tax Court.
Acts, Sec. §155a..... 176

INCORPORATIONS,

gas companies; (*See "Gas
Companies."*)

INCUMBENTS IN OFFICE,

to hold until successors ap-
pointed.
Acts, Sec. 25..... 105

INDECENT PLAYS OR PER- FORMANCES,

penalty for, police regulations.
Ords., Art. 25, Sec. 101.. 992

INDEX TO DEEDS, CON- VEYANCES, ETC.,

See "Land Records."

INDEXER,

President of Second Branch to
employ on public printing,
compensation.
Ords., Art. 29, Sec. 17....1012

INDEXES OF JUDGMENTS,

clerks of Law Courts to pre-
pare.
Acts, Sec. 362..... 284

fee of clerk for indexing
judgments.
Acts, Sec. 362..... 284

INDIGENT POOR,

almshouse — emergency ad-
mission to.
Acts, Sec. 108..... 160

—list of commitments to.
Acts, Sec. 114..... 161

appropriations for support of.
Acts, Sec. 105..... 158

—note.
Acts, Sec. 106..... 158

INDIGENT POOR,—(Cont'd).

children in institutions.
Acts, Sec. 107..... 159

City may receive funds for.
Acts, Sec. 2 42

contracts for support of.
Acts, Sec. 105 158

private institutions, appro-
priations to aid.
Acts, Sec. 106..... 158

INDUSTRIAL HOME FOR COLORED GIRLS,

*See "Houses of Refuge and
Reformation."*

INFANCY, INSANITY AND OTHER DISABILITIES,

*See "Streets, Bridges and
Highways;" — "Opening,
etc., Streets" and "Con-
demnation of Property."*

opening, extending, etc.,
streets.
Acts, Sec. 6..... 73

INFANTS,

In Improper Homes or Care,

—address of infants, record
of.

Acts, Sec. §493g..... 323

—application for licenses for
midwives, houses, etc.

Acts, Sec. §493g..... 323

—applicants for license, ex-
amination of.

Acts, Sec. §493h..... 323

—endorsement of applica-
tion.

Acts, Sec. §493g..... 323

—fine for unlicensed mid-
wives, homes, etc.

Acts, Sec. §493i..... 324

—investigation of homes by
Board of Health.

Acts, Sec. §493h..... 323

—license for care of infants.

Acts, Sec. §493f..... 323

—midwives, license for.

Acts, Sec. §493f..... 323

—penalty for failure to take
out license.

Acts, Sec. §493i..... 324

—records of infants.

Acts, Sec. §493g..... 323

	Page
INFANTS. —(Cont'd).	
In Improper Homes and Care. —(Cont'd).	
—removal of infants, record of.	
Acts, Sec. §493g.....	323
—sanitary condition of homes.	
Acts, Sec. §493h.....	323
—Supervisors of City Charities, homes, etc., selected by.	
Acts, Sec. §493j.....	324
INFLECTED PERSONS,	
<i>See</i> "Health."	
removal of.	
Ords., Art. 14, Sec. 16....	801
INFECTED VESSELS,	
detention at quarantine grounds.	
Ords., Art. 14, Sec. 164,	
.....	849-850
INFECTIOUS DISEASES,	
<i>See</i> "Health" and "Hospitals," under "Infectious Diseases—Hospitals for."	
Ords., Art. 14, Secs. 10-32.....	799-806
INFLAMMABLE AND EXPLOSIVE MATERIALS,	
<i>See</i> "Fire Regulations."	
dynamite, nitro-glycerine, etc. manufacture of, penalty.	
Ords., Art. 11, Sec. 69....	759
INFLAMMABLE STORES ON WHARVES, ETC.,	
matches, etc., near wharves, etc., prohibited.	
Ords., Art. 11, Sec. 64....	757
INFORMER,	
<i>See</i> "Hackney Carriages and Coaches" and "Horses, Carriages and Wagons."	
Acts, Sec. 290.....	257
penalty for short measure of wood, half payable to.	
Acts, Sec. 592	357

	Page
INJUNCTIONS,	
bonds in, when city is a party litigant.	
Ords., Art. 1, Sec. 1.....	571
INJURIOUS MANUFACTORIES,	
<i>See</i> "Health."	
Ords., Art. 14, Secs. 65-77.....	816-820
INJURING PROPERTY MALICIOUSLY,	
Fire Department,	
—injuring or obstructing apparatus of, penalty.	
Ords., Art. 11, Sec. 48,	753
—houses, fences, chattels, etc., police regulations, penalty.	
Ords., Art. 25, Sec. 59,	977
Lamps, Lamp-posts, etc.,	
—penalty, offender to pay cost of repairs.	
Ords., Art. 25, Secs. 57-58.....	976
Market Houses,	
—penalty for.	
Ords., Art. 23, Sec. 28,	928
Trees and Shrubberty,	
—penalty, proviso, police regulations.	
Ords., Art. 25, Sec. 107	994
Water Works,	
—penalty for.	
Ords., Art. 40, Sec. 22	1184
INLETS OF SEWERS,	
throwing waste matter in prohibited, penalty.	
Ords., Art. 25, Sec. 95,	990
INQUESTS,	
monthly report of by coroners.	
Acts, Sec. 297.....	259
INQUISITIONS,	
<i>See</i> "Condemnation Proceedings" and "Jury of Inquisition."	

	Page
INSANE AND LUNATIC CONVICTS,	
Vistors of Jail may remove. Acts, Sec. §120a.....	163
INSANE ASYLUMS,	
See " <i>Hospitals.</i> "	
Ords., Art. 16, Secs. 1-3,	869
INSANE CITY PATIENTS,	
death of, burial of, etc.	
Ords., Art. 16, Secs. 9-11.....	871-872
duty of hospital authorities.	
Ords., Art. 16, Sec. 10,	872
maintenance of, report on by officers of.	
Ords., Art. 16, Sec. 8,	871
INSANE PRISONERS,	
In City Jail,	
disposition and treatment of.	
Acts, Sec. 144.....	169
INSECTIVOROUS BIRDS,	
injury to, penalty.	
Ords., Art. 25, Sec. 5,	962
INSIGNIA ON EMBLEMS OF POLICE,	
See " <i>Police Commissioners.</i> "	
INSPECTION OF,	
boilers—(See <i>Steam Boilers</i>)	
bread, assizing of.	
Acts, Sec.....	55
electric wires and apparatus,	
See " <i>Inspector of Buildings</i> " sub-title " <i>Electrial Installation and Wiring</i> "	
fire apparatus—Chief Engineer to make.	
Ords., Art. 11, Sec. 17,	742
food—See " <i>Health</i> " sub-title " <i>Food and Food Products.</i> "	
—Commissioner of Health to make.	
Ords., Art. 14, Sec. 60,	814
gas meters—Superintendent of Lamps and Lighting, duty in.	
Ords., Art. 20, Sec. 6,	895

INSPECTION OF.—(Cont'd).	Page
hot air furnaces and heating apparatus. (See " <i>Inspector of Buildings.</i> ")	
Ords., Art. 3, Secs. 23 43.....	607-613
markets houses—by Inspector of Buildings.	
Ords., Art. 3, Sec. 9,	603
nuisances—Commissioners of Health to make.	
Ords., Art. 14, Sec. 84,	822
plumbing— certificate of approval.	
Ords., Art. 14, Sec. 135	838
sewers—expense of.	
Acts, Sec. 6.....	68-69
streets—Commissioners of Street Cleaning to make weekly.	
Ords., Art. 36, Sec. 3,	1141
vessel (See " <i>Health.</i> ")	
Ords., Art. 14, Sec. 162,	847
INSPECTIONS, WEIGHTS AND MEASURES,	
See " <i>Health;</i> " " <i>Lamps and Lighting;</i> " " <i>Sanitary inspectors;</i> " " <i>Streets and City Engineer and Wood</i> " See also " <i>Steam Boilers</i> " and " <i>Inspector of Buildings.</i> "	
Acts, Secs. 532-599.....	336-359
Bakeries and Confectioneries,	
—appointment of inspector for.	
Ords., Art. 17, Sec. 35,	886
—bond of inspector.	
Ords., Art. 17, Sec. 37,	887
—duties of inspector.	
Ords., Art. 17, Sec. 35,	887
—inspector of, appointment.	
Ords., Art. 17, Sec. 35,	886
—notice to offenders before enforcing penalties.	
Ords., Art. 17, Sec. 38,	887
—penalties for violation of sanitary regulations.	
Ords., Art. 17, Sec. 35,	887

INSPECTIONS, WEIGHTS AND MEASURES.—(Cont'd).

Page

Bakeries and Confection- eries.—(Cont'd).

- qualifications of inspector.
Ords., Art. 17, Sec. 36, 887
- report of unsanitary establishments to Commissioner of Health.
Ords., Art. 17, Sec. 35, 887
- sanitary requirements penalty for violation of.
Ords., Art. 17, Sec. 35, 887

barrel—for measurement of greens peas and beans in hull.
Acts, Sec. 532-534.....336-337

Charcoal,

- appointment of measurer.
Ords., Art. 17, Sec. 24,883-884
- bushel, dimensions of measure.
Ords., Art. 17 Sec. 28, 885
- deputy measurers, appointment, oath.
Ords., Art. 17, Sec. 24,883-884
- fees of measurer.
Ords., Art. 17, Sec. 26, 884
- fine for sales without measurement.
Ords., Art. 17, Sec. 26, 884
- fraud of vendor, penalty.
Ords., Art. 17, Sec. 30, 885
- measurer not to be dealer.
Ords., Art. 17, Sec. 29, 885
- note.....884
- oath of measurer and deputies.
Ords., Art. 17, Sec. 24, 884
- retail sales, measurement not required.
Ords., Art. 17, Sec. 27, 885
- sales without measurement, penalty.
Ords., Art. 17, Sec. 26, 884
- stands for measurement, Mayor to designate.
Ords., Art. 17, Sec. 25, 884

Coal,

- policemen to enforce coal law, penalty.
Acts, Secs. 537-539A 338-339

INSPECTIONS, WEIGHTS AND MEASURES.—(Cont'd).

Page

Coal.—(Cont'd).

- sale of, lawful tons, penalty for short weight, proviso.
Ords., Art. 17, Sec. 31, 885
- sales by bushel, etc.
Acts, Sec. 540.....339
- scales for coal required, penalty for failure of dealer to provide same.
Acts, Sec. 535.....337
- seller's compensation for weighing.
Acts, Sec. 539.....339
- to provide memorandum of weight, penalty for failure.
Acts, Sec. 538338
- sold by wagons, to be weighed, penalty.
Acts, Sec. 536.....337-338

excavations in streets by private parties; inspection of work by City Engineer.
Ords., Art. 35, Sec. 10,1093-1094

finest and penalties.
Acts, Sec. 6.....55-57

- recovery of.
Acts, Sec. 570.....349
- recovery and disposition of.
Ords., Art. 17, Sec. 39.. 888

firewood, sale by cord or fraction thereof, penalty, proviso.
Ords., Art. 17, Sec. 32.. 886

foods and food products—inspection and analysis of.
Ords., Art. 14, Sec. 60.. 814

- inspectors and analysts of; duties and salaries.
Ords., Art. 14, Sec. 61.. 814

gas companies, overcharge by prohibited.
Acts, Sec. 542.....340

gas meters—consumer may cause same to be tested; rules governing such tests.
Acts, Sec. 543.....340

- to be installed by gas companies.
Acts, Sec. 541.....339-340

INSPECTIONS, WEIGHTS AND MEASURES.—(Cont'd).

Gaugers of Casks and Liquors,

- fraud or collusion by
gaugers; penalty.
Acts, Sec. 551..... 343
- gauger's charges.
Acts, Sec. —..... —
- gauging not required,
when.
Acts, Sec. 546..... 341
- gaugers to procure instru-
ments and mark casks;
forfeiture for fraud of
owner or seller.
Acts, Sec. 547.....341-342
- gauging without license or
outside of city limits;
penalty.
Acts, Sec. 551..... 343
- licenses.
Acts, Sec. 544.....340-341
- penalty for false marking.
Acts, Sec. 549..... 342
- who cannot act as.
Acts, Sec. 546..... 341
- wine measure to be used;
penalty for error.
Acts, Sec. 548..... 342

general powers.

- Acts, Sec. 6..... 55

green peas and beans in the hull; barrel for measure- ment of.

- Acts, Secs. 532-534.....336-337

Hay and Straw,

- accounting by inspectors
to Treasurer for fees for
weighing.
Acts, Sec. 564..... 346
- adjustment of scales.
Acts, Sec. 563..... 346
- bond of Inspectors.
Acts, Sec. 553..... 343
- certificate of weight by In-
spector.
Acts, Sec. 555..... 344
- certificate of weight by
private weigher; when
lawful.
Acts, Sec. 557.....344-345
- fees of Inspector.
Acts, Sec. 556..... 344
- fraud after weighing.
Acts, Sec. 559..... 345

INSPECTIONS, WEIGHTS AND MEASURES.—(Cont'd).

Hay and Straw.—(Cont'd).

- Inspectors, appointment
of.
Acts, Sec. 552..... 343
- live stock to be weighed at
Canton hay scales.
Acts, Sec. 565.....346-347
- penalty against vendor for
fraud or failure to weigh;
exceptions.
Acts, Sec. 557..... 344
- penalty for false certificate
by private weigher.
Acts, Sec. 558..... 345
- for short weight.
Ords., Art. 17, Sec. 1.....875-6
- re-weighing of vehicles by
Inspector; costs of re-
weighing.
Acts, Sec. 560.....345-346
- seller to weigh load and
vehicle.
Ords., Art. 17, Sec. 1.875-6
- storage charges, at State
hay scales.
Acts, Sec. 562..... 346
- weighing of, by Inspect-
ors.
Acts, Sec. 554..... 343

ice—bushel measure, stand- ard weight of, penalty.

- Ords., Art. 17, Sec. 34.... 886

—sales of, weighing when sold, vendor to have scales.

- Ords., Art. 17, Sec. 33 886

inspectors and analysts; ap- pointment and duties.

- Acts, Sec. 6..... 55-57

Keepers of the Standards of Weights and Measures,

- additional compensation
to.
Ords., Art. 17, Sec. 23.. 883
- adjust weights, etc., and
compare with standards
quarterly.
Ords., Art. 17, Sec. 8.. 878
- altering scales, etc., after
inspection, penalty.
Ords., Art. 17, Sec.15.. 881
- annual inspection of dry,
long and liquid meas-
ures.
Ords., Art. 17, Sec. 17.. 882

	Page
INSPECTIONS, WEIGHTS AND MEASURES.—(Cont'd).	
Keepers of the Standards of Weights, etc.—(Cont'd).	
—appointment of, duty, bond.	
Ords., Art. 17, Sec. 4.	877
—attend at markets, etc., once each year.	
Ords., Art. 17, Sec. 20.	882
—badge of office of.	
Ords., Art. 17, Sec. 19	882
—beams and scales, inspection and stamping.	
Ords., Art. 17, Sec. 12	880
—branding weights and measures, symbol, penalties.	
Ords., Art. 17, Secs. 10-14	879-81
—bushel and half-bushel measures.	
Ords., Art. 17, Sec. 9	878
—compensation of.	
Ords., Art. 17, Sec. 16.	881
—Comptroller to procure sets of weights.	
Ords., Art. 17, Sec. 6.	877
—condemned balances, etc., penalty for subsequent use.	
Ords., Art. 17, Sec. 14	880-1
—counterfeiting brand or stamp, penalty.	
Ords., Art. 17, Sec. 11	880
—dimensions of dry measures, penalty.	
Ords., Art. 17, Sec. 9.	878
—districts of, city divided into.	
Ords., Art. 17, Sec. 4.	877
—dry measures, dimensions of.	
Ords., Art. 17, Sec. 9.	877
—inspection and stamping symbol.	
Ords., Art. 17, Secs. 10, 11	879-80
—false weights, scales, etc., seizure and sale of.	
Ords., Art. 17, Sec. 21	883
—fees of.	
Ords., Art. 17, Sec. 16	881
—division of, by City Register.	
Ords., Art. 17, Sec. 22	883

	Page
INSPECTIONS, WEIGHTS AND MEASURES.—(Cont'd).	
Keepers of the Standards of Weights, etc.—(Cont'd).	
—inspection and stamping of weights and measures.	
Ords., Art. 17, Secs. 10-14	879-80
—markets, to attend at, once a year.	
Ords., Art. 17, Sec. 20	882
—measures, dry, branding, symbol, penalty.	
Ords., Art. 17, Secs. 10, 11	879-80
—monthly returns on oath to Comptroller.	
Ords., Art. 17, Sec. 22	883
—obstructing inspection and adjustment of scales, etc., penalty.	
Ords., Art. 17, Sec. 21	882-3
—offices of, office hours.	
Ords., Art. 17, Sec. 5	877
—neglect to have inspections made, penalty.	
Ords., Art. 17, Sec. 21	882-3
—note	877
—official badge of.	
Ords., Art. 17, Sec. 19	882
—patent balances and platform scales, inspection and stamping.	
Ords., Art. 17, Sec. 13	880
—peck measure, dimensions.	
Ords., Art. 17, Sec. 9.	879
—penalties.	
Ords., Art. 17, Secs. 8-15, 18, 21	878-83
—qualifications of.	
Ords., Art. 17, Sec. 4.	877
—records of inspections, to exhibit to Mayor annually.	
Ords., Art. 17, Sec. 20.	882
—reside in district for which appointed.	
Ords., Art. 17, Sec. 4.	877
—return of collections monthly to Comptroller.	
Ords., Art. 17, Sec. 22	883
—scale beams, etc., stamping of.	
Ords., Art. 17, Sec. 12	880
—standard set of weights.	
Ords., Art. 17, Sec. 6.	877

	Page
INSPECTIONS, WEIGHTS AND MEASURES.—(Cont'd).	
Keepers of the Standards of Weights, Etc.—(Cont'd).	
—use of condemned weights, penalty.	
Ords., Art. 17, Sec. 15	881
—weights and measures, set for each keeper, standard set.	
Ords., Art. 17, Sec. 6.	877
—to conform to United States standards.	
Ords., Art. 17, Sec. 7	878
—live stock—additional bond of inspector at Canton hay scales.	
Acts, Sec. 569	348
—impounding by inspector for fees.	
Acts, Sec. 567	348
—inspector at Canton hay scales, compensation of.	
Acts, Sec. 566	347
—inspector at Canton hay scales, to record weights and report thereon semi-annually to Comptroller.	
Acts, Sec. 566	347
—penalty for failure of Inspector to weigh promptly	
Acts, Sec. 568	348
—to be weighed at Canton hay scales, weighing charges.	
Acts, Sec. 565	346-347
manure—cartload to contain forty cubic feet.	
Acts, Sec. 571	349
milk and food products, sale of milk, etc.	
Acts, Sec. 6	55
miscellaneous articles to be weighed by inspectors.	
Acts, Sec. 561	346
obstruction of streets by goods being inspected.	
Ords., Art. 17, Sec. 3	876
oils, fluids and other petroleum products.	
Acts, Sec. 6	50
penalties imposed, recovery and disposition of.	
Ords., Art. 17, Sec. 39	888

	Page
INSPECTIONS, WEIGHTS AND MEASURES.—(Cont'd).	
Keepers of the Standards of Weights, Etc.—(Cont'd).	
reports of inspectors, quarterly, oath to.	
Ords., Art. 17, Sec. 2	876
—under oath quarterly to Mayor.	
Ords., Art. 17, Sec. 2	876
steam boilers— <i>See</i> ("Steam Boilers.")	
theatres, hotels, public halls, churches, school houses, etc., etc., to be inspected to determine fire escape equipment.	
Acts, Sec. 80	142
vessels—inspection of, by Quarantine Hospital Physician.	
Ords., Art. 14, Sec. 162	847
weights and measures.	
Acts, Sec. 6	55
INSPECTOR OF BUILDINGS,	
<i>See</i> "Buildings."	
Acts, Sec. 68	137
alteration, etc., plans stamped by, unlawful.	
Ords., Art. 3, Sec. 7	602
alterations and repairs, permit for.	
Ords., Art. 3, Sec. 11	604
annual inspection of and report on market houses.	
Ords., Art. 3, Sec. 9	603
appeal from order of, in damage by fire to wooden buildings.	
Ords., Art. , Sec. 92	631
Appeal Tax Court to issue permits for new structures.	
Ords., Art. 3, Sec. 5	600-1
appointment, qualifications of.	
Acts, Sec. 79	141
area of buildings.	
Ords., Art. 3, Sec. 181	671

	Page
INSPECTOR OF BUILDINGS.—(Cont'd).	
assistants, clerks and subordinates; appointment and compensation of.	
Acts, Sec. 82.....	142
awnings, permit for erection, fee.	
Ords., Art. 3, Sec. 134....	651
bath rooms, bay windows, porches, etc., construction permits; (<i>See</i> "Buildings.")	
Ords., Art. 3, Secs. 13-22	604-607
building laws and regulations to be enforced by.	
Acts, Sec. 79	141
Acts, Sec. 82	142
—permits, (<i>See</i> "Buildings," "Permits for Building.")	
Ords., Art. 3, Sec. 5.....	600-601
buildings, to examine for compliance with fire regulations.	
Ords., Art. 11, Sec. 40....	750
chimneys, flues, etc., (<i>See</i> "Buildings.")	
consent in writing of residents to issuing of permits to become records of office.	
Ords., Art. 3, Sec. 5.....	600-01
city buildings—construction and repair of; duties and powers of inspector.	
Acts, Sec. 89.....	148
contracts—specifications in, to provide for inspection by Inspector of Buildings.	
Ords., Art. 3, Sec. 3.....	599
duties; salary.	
Acts, Sec. 79	141
Electrical Installation and Wiring,	
—additions to existing work permit required.	
Ords., Art. 3, Sec. 48.....	616
—application for permit, requirements for.	
Ords., Art. 3, Sec. 45.....	614
—central stations exempt.	
Ords., Art. 3, Sec. 44.....	614

	Page
INSPECTOR OF BUILDINGS.—(Cont'd).	
Electrical Installation and Wiring.—(Cont'd).	
—certificate of safety.	
Ords., Art. 3, Sec. 48.....	616
—for isolated plants.	
Ords., Art. 3, Sec. 54.....	618
—conditions of permit, compliance with.	
Ords., Art. 3, Sec. 45.....	614
—current, restrictions on use of.	
Ords., Art. 3, Sec. 44.....	614
—not to be turned on before certificate had.	
Ords., Art. 3, Sec. 48.....	616
—damages, city not liable in.	
Ords., Art. 3, Sec. 53.....	618
—dangerous wires, notice to owners to rectify.	
Ords., Art. 3, Sec. 47.....	615
—Inspector may cut.	
Ords., Art. 3, Sec. 47.....	615
—dead and unused wires, removal of.	
Ords., Art. 3, Sec. 49.....	616-17
—emergency repairs and work.	
Ords., Art. 3, Sec. 45.....	614
—exemption of isolated plants.	
Ords., Art. 3, Sec. 54.....	618
—exposed work and emergency repairs to concealed work, report of to, Inspector of Buildings.	
Ords., Art. 3, Sec. 45.....	614-15
—injury from defective installation, liability for.	
Ords., Art. 3, Sec. 53.....	618
—inspection of existing construction.	
Ords., Art. 3, Sec. 47.....	615
—of work under permit.	
Ords., Art. 3, Sec. 46.....	615
—inspectors, qualifications of.	
Ords., Art. 3, Sec. 52.....	617
—isolated plants, exemption of.	
Ords., Art. 3, Sec. 54.....	618
—liability in damages not assumed by city.	
Ords., Art. 3, Sec. 53.....	618
—new work, certificate for.	
Ords., Art. 3, Sec. 48.....	616
—notice to owners of work deemed unsafe.	
Ords., Art. 3, Sec. 45.....	614

	Page
INSPECTOR OF BUILDINGS.—(Cont'd).	
Electrical Installation and Wiring.—(Cont'd).	
—notice to cut off current from dangerous equipment.	
Ords., Art. 3, Sec. 47.....	615
—obstructing inspection, penalty.	
Ords., Art. 3, Sec. 51.....	617
—obstructions to inspection, removal of.	
Ords., Art. 3, Sec. 46.....	615
—owner's liability in damages not relieved.	
Ords., Art. 3, Sec. 53.....	618
—penalty for obstructing inspector.	
Ords., Art. 3, Sec. 51.....	617
—for violation of provisions.	
Ords., Art. 3, Sec. 50.....	617
—permit, conditions of issue.	
Ords., Art. 3, Sec. 45.....	614
—qualifications of electrical inspectors.	
Ords., Art. 3, Sec. 52.....	617
—removal of dead wires at expense of owner.	
Ords., Art. 3, Sec. 49.....	616-17
—repairs to concealed work in emergency.	
Ords., Art. 3, Sec. 45.....	614-15
Inspections,	
—(<i>See "Buildings,"</i>)	
Ords., Art. 3.....	618-626
—appeals from orders of Inspector of Buildings.	
Ords., Art. 3, Sec. 73.....	626
—approve cars of.	
Ords., Art. 3, Sec. 62.....	623
—construction of, permit and certificate.	
Ords., Art. 3, Sec. 55.....	618
—of miscellaneous types to be approved by.	
Ords., Art. 3, Sec. 72.....	626
—plans and models, may require builder to furnish.	
Ords., Art. 3, Sec. 71.....	625
—register of, inspection of.	
Ords., Art. 3, Secs. 56-57	619
—repairs in emergency, notice of.	
Ords., Art. 3, Sec. 67.....	624
—shafts, windows of.	
Ords., Art. 3, Sec. 62.....	622-3

	Page
INSPECTOR OF BUILDINGS.—(Cont'd).	
Inspections.—(Cont'd).	
—signs and notices, uniform in size.	
Ords., Art. 3, Sec. 70.....	625
encroachments, notice to remove.	
Ords., Art. 3, Sec. 102.....	634
fences and sign boards, permit for.	
Ords., Art. 3, Sec. 76.....	626-7
fire escapes and alarms, buildings requiring.	
Ords., Art. 3, Sec. 83.....	628-29
fire exits—duties in relation to.	
Acts, Sec. 80.....	142
—owners to provide.	
Acts, Sec. 80.....	142
—penalty for absence of on inspection by.	
Acts, Sec. 81.....	142
fire gongs in hotels, (<i>See "Fire Regulations."</i>)	
frame sheds and wooden buildings, permit for, fee.	
Ords., Art. 3, Sec. 87.....	630
—where permitted—proviso.	
Ords., Art. 3, Sec. 4.....	600
gasoline storage tanks, permit for.	
Ords., Art. 11, Sec. 76.....	762
heating apparatus, duties in relation to. (<i>See "Buildings,"</i> sub-title " <i>Chimneys, Flues and Heating Apparatus."</i>)	
Ords., Art. 3, Secs. 23-43.....	607-613
height of buildings, approval of materials.	
Ords., Art. 3, Sec. 97.....	633
Inspections of Hot Air Furnaces and Heating Apparatus,	
—annoying and dangerous chimneys, removal of.	
Ords., Art. 3, Sec. 43.....	613
—ash boxes other than iron prohibited, penalty.	
Ords., Art. 3, Sec. 43.....	613

	Page
INSPECTOR OF BUILDINGS. —(Cont'd).	
Inspection of Hot Air Furnaces, Etc. —(Cont'd).	
—chimneys, etc., causing annoyance and danger to surrounding property, penalty.	
Ords., Art. 3, Sec. 43.....	613
—condemn defective apparatus.	
Ords., Art. 3, Sec. 37.....	611-12
—defective apparatus, failure to repair, penalty.	
Ords., Art. 3, Sec. 40.....	612-13
—delay in making repairs, penalty.	
Ords., Art. 3, Sec. 40.....	612-13
—entry into dwellings, etc., to inspect.	
Ords., Art. 3, Sec. 37.....	611-12
—failure or neglect to obtain permit, penalty.	
Ords., Art. 3, Sec. 38.....	612
—to repair or remove defective apparatus, penalty.	
Ords., Art. 3, Sec. 40.....	612-13
—installation of apparatus, permit for, penalty.	
Ords., Art. 3, Sec. 38.....	612
—neglect to return permit, penalty.	
Ords., Art. 3, Sec. 41.....	613
—notice to owners of annoying and dangerous chimneys.	
Ords., Art. 3, Sec. 43.....	613
—obstructing inspection, penalty.	
Ords., Art. 3, Sec. 39.....	612
—permit for installation, return of.	
Ords., Art. 3, Sec. 38.....	612
limits within which building laws operate.	
Ords., Art. 3, Sec. 4.....	600
new structures, Appeal Tax Court to issue permits for.	
Ords., Art. 5, Sec. 5.....	600-1
notice to number houses; penalty.	
Ords., Art. 3, Sec. 120.....	646

	Page
INSPECTOR OF BUILDINGS. —(Cont'd).	
numbering houses, errors, etc., in failure to number, penalty.	
Ords., Art. 3, Sec. 120.....	646
official stamp on plans, etc.	
Ords., Art. 3, Sec. 5.....	600-01
party walls; notice to owner to underpin, costs.	
Ords., Art. 3, Sec. 165.....	663
—repair or removal.	
Ords., Art. 3, Sec. 167.....	664
permanent record of plans of buildings to be occupied by more than twenty-five persons.	
Ords., Art. 3, Sec. 6.....	602
plans and specifications—Inspector to approve.	
Ords., Art. 3, Sec. 7.....	602
—to be filed in office of.	
Ords., Art. 3, Sec. 6.....	602
public improvements, department of; Inspector member of.	
Acts, Sec. 84.....	143
public safety, head of fourth sub-department of.	
Acts, Sec. 89.....	148
removal of wooden buildings, consent of property owners.	
Ords., Art. 3, Sec. 100 ...	633
repair of city buildings.	
Ords., Art. 3, Sec. 10.....	603
roofs, cornices and scuttles. (<i>See "Buildings."</i>)	
Ords., Art. 3, Secs. 121-123.....	647-648
safes, machinery and weights in buildings, permit for.	
Ords., Art. 3, Sec. 117.....	645
school buildings, to supervise construction.	
Ords., Art. 3, Sec. 31.....	610
—construction of, and plans relating to.	
Acts, Sec. 99.....	153

	Page
INSPECTOR OF BUILDINGS.—(Cont'd).	
—temporary buildings—erection of.	
Ords., Art. 32, Sec. 5.	1044-5
sheds for storage and manufacturing purposes, permit for.	
Ords., Art. 3, Sec. 88.	630
—lathing and plastering.	
Ords., Art. 3, Sec. 91.	631
—temporary, for buildings, permit for.	
Ords., Art. 3, Sec. 99.	633
sinks of public schools, cleaning.	
Ords., Art. 3, Sec. 130.	650
spark catchers, where required.	
Ords., Art. 3, Sec. 86.	629
specifications in contracts providing for.	
Ords., Art. 3, Sec. 3.	598
Steam, Gas and Gasoline Engines and Machinery,	
—affidavit to application for permit,	
Ords., Art. 3, Sec. 140.	653
—alterations, permit for.	
Ords., Art. 3, Sec. 145.	655
—appeal from order to remove.	
Ords., Art. 3, Sec. 142.	654
—application for permit, what to show, blanks for.	
Ords., Art. 3, Sec. 139.	653
—fee.	
Ords., Art. 3, Sec. 141.	653
—boilers, low pressure, permit for, publication unnecessary.	
Ords., Art. 3, Sec. 147.	656
—for low pressure, not to use for power, penalty.	
Ords., Art. 3, Sec. 148.	656
—for low pressure, not to exceed ten pounds, penalty.	
Ords., Art. 3, Sec. 149.	657

	Page
INSPECTOR OF BUILDINGS.—(Cont'd).	
Steam, Gas and Gasoline Engines, Etc.—(Cont'd).	
—steam, installation, permit for.	
Ords., Art. 3, Sec. 138.	652
—steam, penalty for installation without permit.	
Ords., Art. 3, Sec. 143.	654
—changes in installation, permit for as in new work.	
Ords., Art. 3, Sec. 145.	655
—engineer, competent, to have charge of.	
Ords., Art. 3, Sec. 140.	653
—gas and gasoline engines, installation, permit.	
Ords., Art. 3, Sec. 138.	652
—gasoline, storage tanks for.	
Ords., Art. 3, Sec. 146.	656
—issue of permit.	
Ords., Art. 3, Sec. 141.	653
—low pressure boilers, permit, publication unnecessary.	
Ords., Art. 3, Sec. 147.	656
—not to use for power, penalty.	
Ords., Art. 3, Sec. 148.	656
—excessive pressure, penalty.	
Ords., Art. 3, Sec. 149.	657
—Mayor to approve permits.	
Ords., Art. 3, Sec. 141.	653
—revocation of permits.	
Ords., Art. 3, Sec. 142.	654
—permit, condition of issue.	
Ords., Art. 3, Sec. 139.	653
—protests against permit, disposition of.	
Ords., Art. 3, Sec. 141.	653
—publication of application, requirements for.	
Ords., Art. 3, Sec. 141.	653
—removal of plant on revocation of permit.	
Ords., Art. 3, Sec. 142.	654
—revocation of permit.	
Ords., Art. 3, Sec. 142.	654
—steam engine installation, permit for.	
Ords., Art. 3, Sec. 138.	652
—storage tanks for gasoline.	
Ords., Art. 3, Sec. 146.	656

Page

INSPECTOR OF BUILDINGS.—(Cont'd).

Subordinates,

Ords., Art. 3, Sec. 1..	598, 599
—appointment of.....	598
—assistant clerk.....	599
—assistant inspector.....	599
—chief clerk.....	599
—compensation of.....	599
—construction engineer and assistants.....	599
—district inspectors.....	599
—draftsman.....	599
—elevator inspector.....	599
—extra clerk.....	599
—furnace inspector.....	599
—gasoline inspector.....	599
—permit and notice clerks..	599
—stenographer.....	

tenement, lodging and apartment houses.

(*See under this title.*)

—ventilation of.	
Ords., Art. 3, Sec. 125..	648-9

Unsafe and Condemned Buildings,

—appeal from orders of Inspector of Building.	
Ords., Art. 3, Sec. 150....	657
—approval of Mayor to safety measures.	
Ords., Art. 3, Sec. 152....	658
—compliance with notice to secure, duty of owner.	
Ords., Art. 3, Sec. 150....	657
—cost of safety measures, payment of, lien of.	
Ords., Art. 3, Sec. 151....	658
—damages in demolition, owner liable for.	
Ords., Art. 3, Sec. 151....	658
—disregard of notice, proceedings upon.	
Ords., Art. 3, Sec. 151....	657
—emergency action, Mayor to authorize.	
Ords., Art. 3, Sec. 153....	658
—execution on lien of costs.	
Ords., Art. 3, Sec. 151 ..	658
—fine for disregard of notice.	
Ords., Art. 3, Sec. 150....	657
—foreclosure of lien of costs.	
Ords., Art. 3, Sec. 151....	658
—lien of costs of making safe.	
Ords., Art. 3, Sec. 151....	658
—Mayor to approve safety measures.	
Ords., Art. 3, Sec. 152....	658

Page

INSPECTOR OF BUILDINGS.—(Cont'd).
Unsafe and Condemned Buildings.—(Cont'd).

—Mayor to authorize immediate action when necessary.	
Ords., Art. 3, Sec. 153....	658
—note.....	658
—notice in writing to owner to make safe.	
Ords., Art. 3, Sec. 150....	657
—notice, when to be posted on premises, contents of.	
Ords., Art. 3, Sec. 151....	657
—penalty for disregard of notice.	
Ords., Art. 3, Sec. 150....	657
—posting notice to owner on premises.	
Ords., Art. 3, Sec. 151....	657
—proceedings when notice disregarded.	
Ords., Art. 3, Sec. 151....	657

vaults and areas.

(*See "Buildings" and "Vaults and Areas."*)

—cellar doors — alterations to.	
Ords., Art. 3, Sec. 159....	660
—permit for construction.	
Ords., Art. 3, Sec. 154....	659
walls—buildings of public character.	
Ords., Art. 3, Sec. 178....	670
—clear span of, limits.	
Ords., Art. 3, Sec. 177....	670
—concrete, party walls of.	
Ords., Art. 3, Sec. 193....	676
—reduction of thickness of, discretion in.	
Ords., Art. 3, Sec. 183....	672

INSPECTORS AND ANALYSTS,

See "Health" and "Inspections, Weights and Measures."

bakeries, bake shops and candy factories and confectioners; inspectors and analysts of.	
Acts, Sec. 73.....	139
Ords., Art. 17, Secs. 35-38	886, 887

duties and salaries.

Acts, Sec. 6.....	56
-------------------	----

	Page
INSPECTORS AND ANALYSTS.—(Cont'd).	
gas and oils, illuminating. (See " <i>Lamps and Lighting</i> ," sub-title " <i>Assistant Superintendent of</i> .")	
Ords., Art. 20, Sec. 24....	901
milk and food products; appointment of inspectors and analysts of.	
Acts, Sec. 74.....	139
plumbing. (See " <i>Health</i> .")	
Ords., Art. 14, Sec. 129..	836
—private sewers, inspection of by.	
Acts, Sec. 6.....	69
sanitary inspectors, appointment by Commissioner of Health.	
Acts, Sec. 72.....	139
weights and measures, appointment of inspector.	
Acts, Sec. 34.....	111
INSTALLATION OF ELECTRICAL WIRING,	
See " <i>Inspector of Buildings</i> ," sub-title " <i>Electrical Installation and Wiring</i> " and " <i>Licenses</i> ."	
Ords., Art. 3, Secs. 44-54.....	614-618
INSTITUTIONS,	
appropriations for.	
Acts, Sec. 105.....	158
of charity—water rates for, basis for fixing.	
Ords., Art. 41, Sec. 66....	1220
INSTRUCTION,	
in schools—resident and non-resident pupils, fees for.	
Ords., Art. 32, Secs. 32-34.....	1054-1056
of deaf, dumb and blind. (See " <i>Deaf, Dumb and Blind</i> .")	
of habitual truants school for.	
Ords., Art. 32, Secs. 23-27.....	1051-1052

	Page
INSURANCE, OF	
City Property,	
—Comptroller to represent city in collection of claims for.	
Ords., Art. 6, Sec. 6....	700
—moneys paid for loss by fire, accounting by Comptroller.	
Ords., Art. 6, Sec. 6....	700
—property to be insured, when.	
Ords., Art. 6, Sec. 7....	700
—property within city limits not to be insured.	
Ords., Art. 6, Sec. 7....	700
lives of firemen—Fire Commissioners to effect, weekly benefits.	
Ords., Art. 11, Sec. 12....	740
INTELLIGENCE OFFICES,	
license for.	
Acts, Sec. 6.....	61
INTEREST,	
See " <i>Bills of Exchange and Promissory notes</i> ," " <i>City Register</i> ," and " <i>Stocks, Loans and Finance</i> ."	
appropriation for in Ordinance of Estimates.	
Ords., Art. 34, Sec. 9....	1079
city loans—State tax to be deducted from.	
Acts, Sec. 153.....	174
city stock, loan and transfer books, closing for payment of.	
Ords., Art. 34, Sec. 4....	1078
INTEREST ACQUIRED,	
opening, extending and widening, etc., of streets.	
Acts, Sec. 6.....	73
INTESTATES' ESTATES,	
See " <i>Schools</i> ."	
INVENTORY OF CITY PROPERTY,	
heads of departments to furnish to librarian, exception.	
Ords., Art. 21, Sec. 1....	904
	905

IRON AND STEEL CON- STRUCTION,

See "*Buildings.*"

Ords., Art. 3, Secs. 103-
112 634-642

ISSUES OF CITY STOCKS,

amount of certificates.
Ords., Art. 34, Sec. 2... 1077

JAIL,

accounts of, visitors to keep.
Acts, Sec. 125..... 164

assaulting firemen, penalty.
Acts, Sec. 447..... 308

alterations and improvements
in.
Acts, Sec. 121..... 163

criminal offences, commit-
ment to, default in fines.
Acts, Sec. 444..... 307

diet of prisoners, visitors of
Jail to provide.
Acts, Sec. 121..... 163

entering jail without license,
penalty.
Acts, Sec. 136 167

fees, Warden to account for.
Acts, Sec. 133..... 166

license to visit jail required.
Acts, Sec. 137..... 167

liquors in—forbidden, pen-
alty.
Acts, Sec. 136..... 167

—prohibited, penalty.
Acts, Sec. 135..... 166

persons committed to labor.
Acts, Sec. 122..... 164

power to own, regulate and
control.
Acts, Sec. 6..... 57

prisoners affected by disease
or becoming insane.
Acts, Sec. 144..... 169

separate confinement of cer-
tain prisoners.
Acts, Sec. 140..... 168

subordinates of warden.
Acts, Sec. 130..... 166

vagrants in, to work.
Acts, Sec. 123..... 164

JAIL.—(Cont'd).

Visitors Of,

—accounts, books of.
Acts Sec. 125..... 164

—account for fees, warden
to.
Acts, Sec. 133..... 166

—almshouse, when to trans-
fer prisoners to.
Acts, Sec. 143..... 169

—annual statement of ex-
penditures.
Acts, Sec. 134..... 166

—authority and power to
visit jail and prisoners.
Acts, Sec. 120..... 163

—bedding and clothing of
prisoners, repairs to jail.
Acts, Sec. 121..... 163

—by-laws for government of
jail.
Acts, Sec. 120..... 163

—cases cited.
Acts, Sec. 118..... 162

—charities and corrections,
second sub-department
of.
Acts, Sec. 118..... 162

—convicts separate from
persons awaiting trial.
Acts, Sec. 122..... 164

—to labor.
Acts, Sec. 122..... 164

—diet of prisoners, provide.
Acts, Sec. 121..... 163

—discipline of jail, regula-
tions for.
Acts, Sec. 122..... 164

—duties.
Acts, Sec. 118..... 162

—meetings, notice of.
Acts, Sec. 119..... 163

—powers.
Acts, Sec. 118..... 162

—prisoners work, allowance
of, proceeds of.
Acts, Sec. 124..... 164

—reduction of sentence of
prisoners.
Acts, Sec. 139..... 168

—regulations, rules, power
to make.
Acts, Sec. 118..... 162

—subordinates of warden,
approval of.
Acts, Sec. 130..... 166

	Page
JAIL. —(Cont'd).	
Visitors Of. —(Cont'd).	
—supervision over persons committed to penal and reformatory institutions, to have.	
Acts, Sec. 118.....	162
—of, to control.	
Acts, Sec. 118.....	162
—vagrants required to work.	
Acts, Sec. 123.....	164
—Warden subordinate to.	
Acts, Sec. 127.....	165
—workshop in City Jail.	
note.....	164
visits to prisoners.	
Acts, Sec. 137.....	167
Warden of.	
(<i>See "Warden of Jail."</i>)	
Acts, Sec. 126.....	165
—to take oath of office.	
Acts, Sec. 129.....	165

JOHNS HOPKINS UNIVERSITY,

Art Commission, to appoint member of.	
Acts, Sec. 201.....	207
Department of Legislative Reference, president on Board of.	
Acts, Sec. 208A.....	210
power to confer degrees, to confer honorary degrees.	
Acts, Sec. 815.....	502
power to establish branches, purchase and hold property, to maintain principal office in city.	
Acts, Sec. 814.....	501

JOINT CONVENTION OF CITY COUNCIL,

See "City Council."

JOINT TENANTS,

in proceedings for opening, etc., streets. (*See "Streets, Bridges and Highways," "Condemnation of Property," "Commissioners for Opening Streets," and "Opening, etc., Streets."*)

JOINT TENANTS. —(Cont'd).	
division of real estate by, with reference to streets, etc., laid out thereon, acceptance of, by city.	
Acts, Sec. 831.....	524
JONES' FALLS,	
abutting property owners to wall up, City Engineer to notify.	
Ords., Art. 18, Sec. 2.....	889
acquisition of property.	
Acts, Sec. 6.....	58
appeals from decisions under provisions of ordinances relating to.	
Acts, Sec. 600.....	359
—in condemnation cases.	
Acts, Sec. 6.....	59
assessment of benefits and damages.	
Acts, Sec. 6.....	59
city dock drawbridge, regulating operation of, penalty.	
Ords., Art. 18, Sec. 5....	890
City Engineer to wall up on refusal of property owners to do so, costs to be lien on property.	
Ords., Art. 18, Sec. 3....	889
condemnation of property for improvements; appeals in.	
Acts, Sec. 6.....	58-59
—collection of assessments.	
Acts, Sec. 6.....	59
costs of construction of walls, recovery of, from owners of property binding on.	
Ords., Art. 18, Sec. 3....	889
fines, recovery of, hereunder.	
Ords., Art. 18, Sec. 7....	890
grades of streets.	
Acts, Sec. 6.....	60
grading and paving in improving same.	
Acts, Sec. 6.....	60
improvement of.	
Acts, Sec. 601.....	359
Acts, Sec. 6.....	58

	Page
JONES' FALLS.—(Cont'd).	
issue of bonds of \$2,500,000. Acts, Sec. 6.....	60
keeper of drawbridge to re- port offending vessels. Ords., Art. 18, Sec. 6....	890
lien of cost of walls on prop- erty binding on. Ords., Art. 18, Sec. 3....	889
limits of. Acts, Sec. 6.....	59
navigation of. Ords., Art. 18, Secs. 4,5	889-90
obstruction to, prevention of, duty of City Engineer. Ords., Art. 18, Sec. 1....	888
ordinance for improvement of, validity of. Acts, Sec. 601.....	359
—of January 31, 1870. Acts, Sec. 6.....	60
penalties, recovery of here- under. Ords., Art. 18, Sec. 7....	890
provisions in relation to streets and sewers. Acts, Sec. 600.....	359
repair to walls by owners of property binding on. Ords., Art. 18, Sec. 2....	889
title to land acquired. Acts, Sec. 6.....	59
vessels entering and leaving, signal to keeper of draw- bridge, penalty. Ords., Art. 18, Sec. 4....	889-90
walling up same. Ords., Art. 18, Secs. 2,3	889
walls of—when city may build. Acts, Sec. 6.....	60
—owners to build or repair. Acts, Sec. 6.....	60
wharves or quays along. Acts, Sec. 6.....	59

	Page
JOURNAL OF CITY COUN- CIL,	
<i>See "City Council."</i>	
branches to keep, yeas and nays to be entered. Acts, Sec. 217.....	215
printing of specifications for, prices, binding. Ords., Art. 29, Secs. 6-8	1009-10
vote final, by yeas and nays entered on. Acts, Sec. 221.....	217
JOURNALISTS' CLUB OF BALTIMORE CITY,	
badges to newspaper repre- sentatives, authority to issue. Ords., Art. 25, Sec. 63..	978
JUDGES OF SUPREME BENCH,	
<i>See "Courts."</i>	
Ords., Art. 8, Sec. 1.....	716
Grand Jury, selection of. Acts, Sec. 604.....	361
jurors, selection of 750 names. Acts, Sec. 602.....	360
JUDGMENTS,	
<i>See "Courts—Law Courts of Baltimore City."</i>	
appeals from tax assessments; judgment of City Court. Acts, Sec. 170.....	186
by default. note	269
—assessment of damages after. Acts, Sec. 314.....	269
—when to be entered. Acts, Sec. 308.....	264
indexes in law courts. Acts, Sec. 362.....	284
motions in arrest of. Acts, Sec. 300.....	261
supersedeas of; by whom to be taken. Acts, Sec. 647.....	386
when below jurisdiction of court. Acts, Sec. 312.....	266

JUDGMENTS.	1465	JURORS.	Page
JUDGMENTS.—(Cont'd).	Page	JURORS.—(Cont'd).	
when to be entered.		deposit of jury books.	
Acts, Sec. 312.....	365	Acts, Sec. 608.....	365
where part of claim is ad-		drawing of 400 names.	
mitted.		Acts, Sec. 605.....	363-4
Acts, Sec. 312.....	266	—fraud in, penalty.	
JUDGMENTS AND DE-		Acts, Sec. 614.....	371
CREES,		emergency drawing.	
report of, to Appeal Tax		Acts, Sec. 609.....	367
Court.		excuse from service.	
Acts, Sec. 165.....	182	Acts, Sec. 611.....	369
JUDGES OF ORPHANS'		exemption of volunteer mili-	
COURT,		tia.	
per diem of.		Acts, Sec. 622.....	373-4
Acts, Sec. 352.....	281	exhaustion of whole list.	
JURISDICTION,		Acts, Sec. 610.....	367-8
of courts; Circuit Court No. 2		failure of talesmen to appear.	
of Baltimore City.		Acts, Sec. 610.....	367-8
Acts, Sec. 325.....	274	finer for absence.	
of Justices of the Peace.		Acts, Sec. 611.....	369
(See " <i>Justices of the Peace.</i> ")		fraud in drawing.	
of Police Magistrates.		Acts, Sec. 614.....	370-1
(See " <i>Justices of the Peace.</i> ")		indictment, not affected by	
JURORS,		irregularity in drawing	
See " <i>Clerks of Courts;</i> "		jury.	
" <i>Condemnation Proceed-</i> "		Acts, Sec. 620.....	372-3
<i>ings;</i> " " <i>Condemnation of</i> "		Judges of Supreme Bench,	
<i>Property</i> " and " <i>Courts.</i> "		selection by.	
additional jurors, drawing of.		Acts, Sec. 602.....	360
Acts, Sec. 607.....	365	—to certify jury books.	
—summoning.		Acts, Sec. 606.....	364
Acts, Sec. 608.....	366	—duty in drawings.	
attendance of, penalty.		Acts, Sec. 605.....	363-4
Acts, Sec. 611.....	369	judgment not affected by	
certificate of clerk, of per		irregularity in drawing	
diem, not assignable.		jury.	
Acts, Sec. 621.....	373	Acts, Sec. 620.....	373-4
challenge, peremptory by		jury books, entry of names in.	
State.		Acts, Sec. 606.....	364
Acts, Sec. 618.....	372	—deposit of.	
City Collector, compensation		Acts, Sec. 608.....	365-6
for list of taxpayers.		list of names, selection of.	
Acts, Sec. 603.....	360	Acts, Sec. 602.....	360
compensation in condemna-		—of jurors to be furnished	
tion proceedings.		City Register.	
Acts, Sec. 6.....	90	Ords., Art. 19, Sec. 1....	891
City Register to pay jurors.		—of names for jurors.	
Acts, Sec. 621.....	373	Acts, Sec. 602.....	360
		—of discharged jurors for	
		payment.	
		Ords., Art. 19, Sec. 1....	891

	Page
JURORS. —(Cont'd).	
—of taxpayers, City Collect- or furnish.	
Acts, Sec. 603.....	360
maintenance of lists.	
Acts, Sec. 612.....	369
militia exempt from jury duty.	
Acts, Sec. 622.....	373
penalty for absence.	
Acts, Sec. 611.....	369
—for dereliction of duty here- under.	
Acts, Sec. 620.....	373-4
—for fraud in drawings.	
Acts, Sec. 614.....	370-1
per diem of.	
Acts, Sec. 621.....	373
peremptory challenges.	
Acts, Sec. 618.....	372
quorum of Supreme Bench.	
Acts, Sec. 617.....	372
record of names drawn.	
Acts, Sec. 602.....	360
recording names in order chosen.	
Acts, Sec. 605.....	363-4
recovery of fines for absence.	
Acts, Sec. 611.....	369
reserve list, order of service.	
Acts, Sec. 608.....	365-6
reserves, additional.	
Acts, Sec. 612.....	369-70
selection of 750 names.	
Acts, Sec. 602.....	360
service as prescribed.	
Acts, Sec. 607.....	365
Sheriff, duty of, in drawings.	
Acts, Sec. 605.....	363-4
special juries.	
Acts, Sec. 615.....	371
subsequent drawings as re- quired.	
Acts, Sec. 612.....	369-70
summoning.	
Acts, Sec. 608.....	366
tales de circumstantibus.	
Acts, Sec. 610.....	367-8
talesmen, failure to appear.	
Acts, Sec. 610.....	367-8

	Page
JURORS. —(Cont'd).	
—from regular panels.	
Acts, Sec. 613.....	370
term of service.	
Acts, Secs. 611, 612.....	369-70
volunteer militia exempt from jury duty.	
Acts, Sec. 622.....	373-4
Grand Jury,	
—absence of foreman.	
Acts, Sec. 604.....	362
—additional names when jurors excused.	
Acts, Sec. 604.....	361
—attest of judges, to list.	
Acts, Sec. 604.....	361
—authority and duties of clerk.	
Acts, Sec. 604A.....	362
—clerk, duties, secrecy.	
Acts, Sec. 604C.....	362
—qualifications.	
Acts, Sec. 604A.....	362
—oath.	
Acts, Sec. 604B.....	362
—clerk, penalty, for viola- tion of oath.	
Acts, Sec. 604D.....	363
—correction of lists of jurors.	
Acts, Sec. 604.....	361
—disqualification of fore- man.	
Acts, Sec. 604.....	362
—foreman.	
Acts, Sec. 604.....	361
—jail, to visit, inspect and report on.	
Acts, Sec. 619.....	372
—judges of Supreme Bench to select.	
Acts, Sec. 604.....	361
—list of names to Sheriff.	
Acts, Sec. 604.....	361
—meeting of judges to select names.	
Acts, Sec. 604.....	361
—minutes of, custody of.	
Acts, Sec. 604C.....	363
—oath of clerk.	
Acts, Sec. 604B.....	362
—salary of clerk.	
Acts, Sec. 604A.....	362
—selection of 23 names by judges.	
Acts, Sec. 604.....	361
—Sheriff to summon per- sons selected.	
Acts, Sec. 604.....	361

JURY,

- Circuit Court of Baltimore
City; in trials in.
Acts 323, 273

JURY BOOKS,

See "*Jurors.*"

JURY OF INQUISITION,

See "*Condemnation of Property*" and "*Condemnation Proceedings.*"

- selections of, in condemnations for water, etc.,
Acts, Sec. 6.....88-91

- water, water rights.
Acts, Sec. 6.....88-91

JURY TRIAL,

See "*Appeals from Assessments*" and "*Hackney Carriages and Coaches.*"

- appeals from tax assessments.
Acts, Sec. 170 186

- assessment of damages in opening of sewers, etc.
Ords., Art. 33, Sec. 9.....1067-8
—for railroad tracks, etc.
Acts, Sec. 6 66

- condemnations for Jones' Falls improvements.
Acts, Sec. 6..... 59

- motion for, to be in writing.
Acts, Sec. 314..... 269

- opening, closing, etc. streets,
(See "*Commissioners for Opening Streets.*")
Acts, Sec. 6..... 73
Acts, Sec. 179..... 196

JUSTICES OF THE PEACE,

See "*Landlord and Tenant,*" "*Magistrate for Juvenile Causes*" and "*Thieves and Pickpockets.*"

- accounting of fines by; affidavit thereto; details of accounting.
Acts, Sec. 643..... 385

- appointment of, by Governor.
Acts, Sec. 623..... 374

JUSTICES OF THE PEACE.—(Cont'd).

- appeals from decisions of.
note..... 271

- trial of; costs in.
Acts, Sec. 319..... 271

- arrests,—when police magistrates are not on duty.
Acts, Sec. 631..... 378

- bond of; conditions and penalty.
Acts, Sec. 624..... 376

- commitments of vagrants by.
Acts, Sec. 141..... 168

- costs of commitments of vagrants.
Acts, Sec. 141..... 168

- dockets and papers—disposition of upon death, resignation or removal.
Acts, Sec. 648..... 387

- extra compensation; when called out of office.
Acts, Sec. 628..... 377

- fees not to be paid by city of Baltimore.
Acts, Sec. 639 383

- fines forfeitures and penalties—accounting of city's portion of.
Acts, Sec. 644..... 385

- affidavit when none collected.
Acts, Sec. 645..... 386

- payment of same to clerk of Court of Common Pleas.
Acts, Sec. 643..... 385

- gunpowder, search warrant when concealed.
Ords., Art. 11, Sec. 83.. 765

hawkers and peddlers.—(See "*Station House Justices hereunder.*")

- jurisdiction of.
Acts, Sec. 632.....379-80

- landlord and tenant—appeal.
Acts, Sec. 655..... 389

- dispossession.
Acts, Sec. 654..... 389

	Page
JUSTICES OF THE PEACE. —(Cont'd).	
—fees, penalty for excessive. Acts, Sec. 656.....	390
—powers of, relating to. Acts, Sec. 852.....	550
—proceedings for repossession. Acts, Sec. 652.....	387-88
—trial in repossession. Acts, Sec. 653.....	388-89
location of office to be within his legislative district. Acts, Sec. 629.....	377
Magistrate for Juvenile causes,	
—appointment of. Acts, Sec. 623A.....	374
—absence of. Acts, Sec. 623A.....	375
—clerk to. Acts, Sec. 623A.....	375
—appointment, duties, salaries. Acts, Sec. 623A.....	375
—jurisdiction of magistrate. Acts, Sec. 623A.....	375
—minors,—arrest, temporary confinement and commitment of; may commit minors to juvenile institutions. Acts, Sec. 623A.....	374
—policemen to attend court of. Acts, Sec. 623A.....	375
—powers of. Acts, Sec. 623A.....	375
—qualifications of. Acts, Sec. 623A.....	375
—salary of. Acts, Sec. 623A.....	375
misdemeanor in office punishable by removal. Acts, Sec. 649.....	387
neglect of, to pay over money due city, presentment to Grand Jury. Ords., Art. 10, Sec. 2....	729
non-pros, informer liable for costs. Ords., Art. 10, Sec. 3....	730
office hours. Acts, Sec. 625.....	377

	Page
JUSTICES OF THE PEACE. —(Cont'd).	
police magistrates.—(<i>See</i> <i>Station House Justices here- under.</i>)	
Station-house Justices,	
—absence or sickness of, substitutes. Acts, Sec. 637.....	382
—additional justices for. Acts, Sec. 630.....	378
—appointment of, by Govern- or. Acts, Sec. 630.....	379
—arrests; all persons arrested to be brought before station-house justices. Acts, Sec. 642.....	384
—assault and battery cases. Acts, Sec. 632.....	379-80
—attendance and duties. Acts, Sec. 630.....	378
—collateral for appearance when justice absent. Acts, Sec. 631.....	378-79
—commitment of accused in default of payment of fine. Acts, Sec. 633.....	381
—concealed weapons; trial of cases involving. Acts, Sec. 632.....	379
—conviction of accused; pen- alty to be imposed. Acts, Sec. 633.....	381
—costs collected to be paid to Police Commissioners. Acts, Sec. 646.....	386
—criminal offences within their jurisdiction. Acts, Sec. 632.....	379-80
—duties, authority and juris- diction relating to criminal offences defined. Acts, Sec. 632.....	379-80
—Governor may re-assign or select other justice to perform duties. Acts, Sec. 635.....	381
—hawkers and peddlers sel- ling without license, trial of Acts, Sec. 632.....	380
—hours of duty. Acts, Sec. 630.....	378
—jury trial; accused to be committed or held for court on bail. Acts, Sec. 632.....	380

JUSTICES OF THE PEACE.—(Cont'd).**Station-house Justices**—(Cont'd).

- leave of absence with pay; designation of substitutes by Police Commissioners.
Acts, Sec. 638..... 383
- not to receive fees or gratuities.
Acts, Sec. 636..... 382
- not to try certain offenses.
Acts, Sec. 632..... 380
- offenders; when to be committed or released on bail.
Acts, Sec. 632 380
- petty offenses; vagrancy; dependent and vicious children.
Acts, Sec. 632.....379-80
- salary; payment of, upon certificate of Police commissioners.
Acts, Sec. 636..... 382
- substitute justices; compensation of substitutes; when their pay shall be deducted from salary of regular justice
Acts, Sec. 637.....382-83
- witnesses for prosecution; names to be endorsed on commitment or recognition.
Acts, Sec. 634..... 381
- writs returnable in all cases before station-house justices.
Acts, Sec. 641..... 384
- writs, warrants, subpoenas and commitments issued by,—service of.
Acts, Sec. 640..... 384
- summons in debt and damages; penalty for improper summons.
Acts, Sec. 626..... 377
- superseded judgments for fines, copy to officer who served summons.
Ords., Art. 10, Sec. 5.... 730
- supersedeas of judgment in courts of city, not to be taken by; same to be taken by clerks of said courts.
Acts, Sec. 647..... 386

JUSTICES OF THE PEACE.—(Cont'd).

- writs to be returnable before station-house justices when issued by other justices.
Acts, Sec. 641..... 384
- where returnable.
Acts, Sec. 627..... 377

JUVENILE CAUSES,

magistrate for—(*See* "*Justices of the Peace.*")

JUVENILE COURT,

- probation officers; authority and salary.
Acts, Sec. 886A..... 561
- duties of.
Acts, Sec. 886B..... 561

JUVENILE INSTITUTIONS,

- commitment of minors to.
Acts, Sec. 623A..... 375
- instruction and care of children in.
Ords., Art. 32, Sec. 27..1052
- powers and authority of certain named institutions.
Acts, 886..... 561

JUVENILE OFFENDERS,

- See* "*Justices of the Peace.*"
- exemption from provisions of Secs. 104 to 116 inclusive of Charter.
Acts, Sec. 117..... 162

KEEPERS OF THE STANDARDS OF WEIGHTS AND MEASURES,

- See* "*Inspections, Weights and Measures.*"
- Ords., Art. 17, Sec. 18, 882

KEROSENE,

- See* "*Fire Regulations.*"
- sale of.
Ords., Art. 11, Sec. 86, 766

KEYS OF FIRE ALARM OR SIGNAL BOXES,

- penalty for unauthorized possession.
Ords., Art. 11, Sec. 52.... 754

LABOR,

See "*Hours of Labor.*"

City Engineer authorized to obtain skilled labor.
Ords., Art. 35, Sec. 7, 1093

LABORATORIES, CHEMICAL,

Acts, Sec. 493.....321
city work, registered voters to be given preference on.
Ords., Art. 35, Sec. 6, 1093

LABOR DAY,

employees of city to cease work.
Ords., Art. 15, Sec. 2, 867
to be municipal holiday.
Ords., Art. 15, Sec. 2,
.....867-868

LAKE CLIFTON,

construction and completion of.
Acts. Sec. 6.....92

LAMPS AND LIGHTING,**General Provisions,**

- advertisement for proposals for lamps, etc.
Ords., Art. 20, Sec. 15, 898
- applications for new lamps.
Ords., Art. 20, Sec. 3, 894
- bicycles, lamps required on, penalty.
Ords., Art. 25, Sec. 88, 988
- coal oil, testing, sale, etc.
Ords., Art. 20, Secs. 25 28-29902-903
- consumers to be instructed in use of meters on request, fee.
Ords., Art. 20, Sec. 12, 897
- contracts for lighting, forfeit clause for dead lamps.
Ords., Art. 20, Sec. 16,898-899
- contract for street lamps, to advertise for proposals, burners.
Ords., Art. 20, Sec. 15, 898
- counterfeiting and defacing seals on meters.
Ords., Art. 20, Sec. 14, 898

LAMPS AND LIGHT'G.—(Cont'd).**General Provisions.—(Cont'd).**

- data of tests, record of.
Ords., Art. 20, Sec. 13, 897
- density of oils, minimum, penalty.
Ords., Art. 20, Sec. 28, 903
- engine houses, lamps in front of.
Ords., Art. 11, Sec. 43, 751
- erection of lamps.
Acts, Sec. 6.....80
- flashing point of oil, test of.
Ords., Art. 20, Sec. 25, 902
- gas companies to lay mains as ordered by city.
Ords., Art. 20, Sec. 4, 894
- gas, sale of impure and inferior, penalty.
Ords., Art. 20, Sec. 27,
.....902-903
- gasoline, sale of, for other uses, not prohibited.
Ords., Art. 20, Sec. 29, 903
- inspection and proving of meters.
Ords., Art. 20, Sec. 8, 895
- of new meters, fee, penalty.
Ords., Art. 20, Sec. 9, 896
- meters— degree of accuracy required.
Ords., Art. 20, Sec. 8, 896
- discontinued—to be re-inspected, penalty.
Ords., Art. 20, Sec. 11, 897
- names of streets on corner lamps, to place.
Ords., Art. 20, Secs. 17 18.....899
- neglect of gas companies, to report to City Council.
Ords., Art. 20, Sec. 4, 894
- permit for shades over street lamps.
Ords., Art. 20, Secs. 19 20.....899
- obstructing inspection of oils, penalty.
Ords., Art. 20, Sec. 25, 902
- penalty for furnishing inferior gas or oil.
Ords., Art. 20, Secs. 27 28.....902-903
- for refusing samples of oil.
Ords., Art. 20, Sec. 25, 902

LAMPS AND LIGHT'G.—(Cont'd). Page**General Provisions.**—(Cont'd).

- petroleum, products of, sale, test, etc.
Ords., Art. 20, Secs. 25
28-29.....902-903
- recovery of fines and penalties imposed.
Ords., Art. 20, Sec. 30, 903
- stables, lamps in, fire precautions, penalty.
Ords., Art. 11, Sec. 54, 755
- streets, lighting of.
Acts, Sec. 6.....80

Assistant Superintendent of,

- appointment, qualifications.
Ords., Art. 20, Sec. 24, 901
- bond of.
Ords., Art. 20, Sec. 24, 901
- density of oils, test of.
Ords., Art. 20, Sec. 25, 902
- duties of.
Ords., Art. 20, Secs. 24
25.....901-902
- flashing points of oils, minimum, penalty.
Ords., Art. 20, Sec. 28, 903
- gas, test of, where test to be made, penalty for inferior quality, proviso.
Ords., Art. 20, Secs. 25
27.....902-903
- illuminating power of gas and oils, test of.
Ords., Art. 20, Sec. 25, 902
- inspection of illuminating gas and oil.
Ords., Art. 20, Secs. 24
25.....901-902
- oath of office.
Ords., Art. 20, Sec. 24, 901
- purity of gas, tests of.
Ords., Art. 20, Secs. 25
27.....902-903
- qualifications of.
Ords., Art. 20 Sec. 24, 901
- quality of gas, test of, where test made.
Ords., Art. 20, Sec. 26, 902
- report weekly to Superintendent of Lamps and Lighting.
Ords., Art. 20, Sec. 25, 902
- salary of.
Ords., Art. 20, Sec. 2, 893

LAMPS AND LIGHT'G.—(Cont'd). Page**Assistant Superintendent of,** (Cont'd).

- Tagliabue's tester, use of.
Ords., Art. 20, Sec. 25 902
- testing gas and oils.
Ords., Art. 20, Secs. 25
29.....902-903

District Superintendents of Lamplighters,

- assignment of to districts.
- broken lamps.
- cleaning lamps.
- duties
- hours for lighting and extinguishing lamps.
- police, duties of relating to lamps.
- reports to Superintendent of Lamps and Lighting.
Ords., Art. 20, Sec. 23,
.....900-901
- salaries of.
Ords., Art. 20. Sec. 2, 893

Superintendent of Lamps and Lighting,

- accuracy of meters, permissible variation.
Ords., Art. 20, Sec. 8, 896
- annual report to Mayor.
Ords., Art. 20, Sec. 13, 898
- apparatus for testing meters, etc., authority to purchase.
Ords., Art. 20, Sec. 7, 895
- appeal from decision of, in tests.
Ords., Art. 20, Sec. 8, 896
- bills against city for gas to be certified by.
Ords., Art. 20, Sec. 4, 894
- bond of.
Ords., Art. 20, Sec. 1, 93
- burners of lamps, not to be confined to any patent.
Ords., Art. 20, Sec. 15, 898
- district superintendents of lamplighters, to report to.
Ords., Art. 20, Sec. 3, 894
- duties of.
Ords., Art. 20, Sec. 3, 894
- electric lamps, changing location of.
Ords., Art. 20, Sec. 22 900
- employees and subordinates, salaries of.
Ords., Art. 20, Sec. 2, 893

	Page
LAMPS AND LIGHT'G.—(Cont'd).	
Superintendent of Lamps and Lighting.—(Cont'd).	
—erection of new lamps and pillars.	
Ords., Art. 20, Sec. 3,	894
—fees of.	
Ords., Art. 20 Secs. 6-8	
11-12	895-897
—forfeit clause in lighting contracts.	
Ords., Art. 20, Sec. 16,	
.....	898-899
—gas mains record of, as laid, annual report of to City Council.	
Ords., Art. 20, Sec. 4,	894
—gasoline lamps, may change to gas when necessary.	
Ords., Art. 20, Sec. 5,	895
—instructing consumers in use of meters.	
Ords., Art. 20, Sec. 12,	897
—lighting and cleaning of lamps, to regulate.	
Ords., Art. 20, Sec. 3,	894
—meters, accuracy of, permissible variation.	
Ords., Art. 20, Sec. 8,	896
—in public buildings, etc., monthly statement of.	
Ords., Art. 20, Sec. 4,	894
—inspecting and proving.	
Ords., Art. 20, Sec. 8,	895
—to test, stamp and mark.	
Ords., Art. 20, Sec. 6,	895
—monthly statement of meters in public buildings and markets and of streets lamps.	
Ords., Art. 20, Sec. 4,	894
—new lamps, to erect when required, on proper application.	
Ords., Art. 20, Sec. 3,	891
—new meters, inspection required before use, penalty, fee.	
Ords., Art. 20, Sec. 9,	896
—penalties imposed.	
Ords. Art. 20, Secs. 9	
11-14	896-898
—purchase testing apparatus, authority to.	
Ords., Art. 20, Sec. 7,	895
—record of tests, etc., annual report to Mayor.	
Ords., Art. 20, Sec. 12,	
.....	897-898

	Page
LAMPS AND LIGHT'G.—(Cont'd).	
Superintendents of Lamps and Lighting.—(Cont'd).	
—removal of shades over streets lamps.	
Ords., Art. 20, Sec. 21,	
.....	899-900
—removed meters to be re-inspected.	
Ords., Art. 20, Sec. 11,	897
—report annually to Mayor.	
Ords., Art. 20, Sec. 12,	898
—shades over street lamps, permit for.	
Ords., Art. 20, Secs. 19,	
20.....	899
—shades over street lamps, removal of.	
Ords., Art. 20, Sec. 21,	
.....	899-900
—salaries of subordinates.	
Ords., Art. 20, Sec. 2,	893
—sealing, etc., meters before setting.	
Ords., Art. 20, Sec. 10,	896
—street names on lamps at corners,	
Ords., Art. 20, Secs. 17,	
18.....	899
—supervision of meters, etc., in city departments.	
Ords., Art. 20, Sec. 4,	894
—testing apparatus, authority to purchase.	
Ords., Art. 20, Sec. 7,	895
—test, stamp and mark meters.	
Ords., Art. 20, Sec. 6,	895
—testing meters, when consumer and when gas company to pay fee.	
Ords., Art. 20, Sec. 8,	895
—variation of meters, two per cent permitted.	
Ords., Art. 20, Sec. 8,	896

LAMPS AND LIGHTING, SUPERINTENDENT OF,

See "*Lamps and Lighting*,"
sub-title "*Superintendent of*."

LAMPS, LAMP POSTS AND PILLARS,

advertising on, prohibited,
penalty.
Ords., Art. 25, Sec. 57.... 976

	Page
LAMPS, LAMP POSTS AND PILLARS.—Cont'd).	
contracts for furnishing, etc., advertising for, burners for. Ords., Art. 20, Sec. 15....	898
injury to, penalty, offenders to pay cost of repairs. Ords., Art. 25, Sec. 58....	976
interfering or tampering with, penalty. Ords., Art. 25, Sec. 57...	976
LAND FOR PUBLIC PUR- POSES,	
condemnation of. Acts, Sec. 6.....	48
LANDMARKS OF STREETS,	
defacing, disturbing, etc., penalty. Ords., Art. 25, Sec. 56....	976
LAND RECORDS,	
copies of land records to be evidence. Acts, Sec. 365.....	285
index of, to be prepared by clerk Superior Court. Acts, Secs. 802, 803....	498, 499
—plan of to be approved by Supreme Bench. Acts, Sec. 803.....	498
record books to be kept. Acts, Sec. 366.....	286
Superior Court clerk to copy certain records. Acts, Secs. 364, §364a, §364b, 365, 366.....	285-286
worn-out records; renewal of by clerk Superior Court; costs to be defrayed out of fees of his office. Acts, Secs. 804, 805.....	499
LANDLORD AND TENANT,	
<i>See "Justices of the Peace."</i>	
appeals to Baltimore City Court. Acts, Sec. 860.....	552
—cases, triable at first term unless court orders other- wise. Acts, Sec. 863.....	553
—no reversal for errors of form. Acts, Sec. 862.....	553

	Page
LANDLORD, Etc.—(Cont'd).	
cases removable to City Court only on appeal. Acts, Sec. 861.....	552
damages to tenant when judg- ment is against landlord. Acts, Sec. 858.....	551
dispossession of tenants—pro- ceedings for. Acts, Secs. 553-864....	550, 553
interrogatories—copies of served in same manner as notices to quit. Acts, Sec. 856.....	551
Justice of the Peace—power to render judgments, sub- ject to appeal. Acts, Sec. 852.....	550
landlord may claim rent when goods sold under order of court. Note	548
—cannot petition in an at- tachment suit when right of distress does not exist. Note	548
Notice,	
—to tenant at will. note	548
—gives landlord right to pos- sess lands or tenements. Acts, Sec. 850.....	550
—by agreement; effect of. Acts, Sec. 851.....	550
—of tenant to landlord. Acts, Sec. 847.....	549
—to tenant at will or other- wise. Acts, Sec. 846	549
—to tenant for less than a year. Acts, Sec. 845.....	548
—tenant from year to year. Acts, Sec. 844.....	548
—tenant or landlord need not state the time of leav- ing. Acts, Sec. 849.....	549
—to tenant to be in writing and served on tenant; or agents or set upon prem- ises. Acts, Sec. 848.....	549
—to quit; requisites of. Acts, Sec. 849.....	549

	Page
LANDLORD, Etc.—(Cont'd).	
rent—assignee of leasehold interest; when liable for.	
foot-note	548
rights of lessor and lessee extend to heirs, executor, assigns and other representatives.	
Acts, Sec. 864.....	553
summons in proceedings to dispossess.	
Acts, Sec. 853.....	550
tenancy for a year.	
note	548
Tenant Holding Over,	
—adjournment of trial.	
Acts, Sec. 653.....	388-9
—appeal, appeal bond.	
Acts, Sec. 655.....	389-90
—bond required of tenant on appeal.	
Acts, Sec. 860.....	552
—complaint of landlord before Justice of the Peace.	
Acts, Sec. 652.....	387-8
—costs.	
Acts, Sec. 656.....	390
—damages payable by tenant, when.	
Acts, Sec. 857 and note..	551
—dispossession.	
Acts, Sec. 654.....	390
—distress, when denied.	
Acts, Sec. 650.....	387
—execution.	
Acts, Sec. 655.....	389-90
—fees and charges.	
Acts, Sec. 656.....	390
—interrogatories to tenant.	
Acts, Sec. 855.....	551
—judgment for lessor, proviso.	
Acts, Sec. 653.....	388-89
—notes, cases cited.....	390
—order of surrender to tenant.	
Acts, Sec. 653.....	388-89
—penalty for excessive charges by justices.	
Acts, Sec. 854.....	550
—questions to be answered by tenant.	
Acts, Sec. 656.....	390-1
—rent payable by, after notice.	
Acts, Sec. 859.....	552

	Page
LANDLORD, Etc.—(Cont'd).	
Tenant Holding Over.—(Cont'd).	
—repossession, proceedings for.	
Acts, Sec. 652.....	387-8
—service of summons.	
Acts, Sec. 652.....	388-9
—stay of execution.	
Acts, Sec. 655.....	389-90
—summons to tenant in arrear.	
Acts, Sec. 652.....	388-9
—sureties on appeal bond.	
Acts, Sec. 655.....	389-90
—trial.	
Acts, Sec. 653.....	388-9
—warrant of re-entry.	
Acts, Sec. 654.....	389
verbal agreements between; validity of.	
note	548

LANDS,

sales of by State in Burnt District.	
App. A, Sec. 34.....	1261

LARCENY,

penalty for petty larceny.	
Acts, Sec. 331.....	276
purchases from children under sixteen.	
—articles prohibited, proviso.	
Acts, Sec. §656a.....	391
—larceny, general law provisions not affected.	
Acts, Sec. §656c.....	391
—parent to accompany child and certify to his right to sell.	
Acts, Sec. §656a.....	391
—penalty for falsely certifying.	
Acts, Sec. §656b.....	391

LARD AND BUTTER,

seizure by market clerks when short weight.	
Ords., Art. 23, Sec. 3.....	919

LAUNDRIES,

free, public, provisions for.	
Ords., Art. 27, Sec. 5.....	1003

	Page
LAURENS STREET,	
cattle on prohibited, penalty. Ords., Art. 25, Sec. 25.....	967
LAW COURTS OF BALTI- MORE CITY,	
<i>See "Courts."</i>	
powers of clerks of. note	282
LAW DEPARTMENT,	
<i>See "City Solicitor."</i>	
City Solicitor to be head of. Acts, Sec. 60.....	133
composition of.....	109
office hours of. Acts, Sec. 64.....	135
office of. Acts, Sec. 64.....	135
traveling expenses to be allowed. Acts, Sec. 67.....	136
LAFAYETTE MARKET,	
provisions relating to. Ords., Art. 23, Secs. 93- 95.....	946-947
LEAKAGE OF GASOLINE,	
<i>See "Fire Regulations."</i>	
automobile stations, fire pre- cautions in. Ords., Art. 11, Sec. 75....	761
LEASEHOLD PROPERTY,	
redemption of by owner when sold for taxes. Acts, Sec. §47a.....	125
LEASEHOLDS,	
distinguished from fees in sewer condemnations. Ords., Art. 33, Sec. 17....	1071-2
LEASE OF CITY PROPER- TY,	
<i>See "Deeds, Leases and Trans- fers."</i>	
rents to be applied to sinking fund. Ords., Art. 34, Sec. 12....	1080

LEASES,	Page
<i>See "Deeds, Leases and Transfers."</i>	
LEATHER, IRON AND TO- BACCO,	
sales of by manufacturers. Acts, Sec. 278.....	236
LEAVE OF ABSENCE,	
<i>See "Police Commissioners."</i>	
LEE STREET,	
vehicles; stands for prohibit- ed. Ords., Art. 4, Sec. 32.....	691
LEGAL INSTRUMENTS AND PAPERS,	
<i>See "Conveyances" and "Deeds, Leases and Trans- fers."</i>	
City Solicitor to approve as to form and legal sufficiency. Acts, Sec. 63.....	135
LEGAL OPINIONS,	
City Solicitor to furnish same in writing. Acts, Sec. 63	135
—clerk of, to preserve and file same. Acts, Sec. 65.....	136
LEGISLATIVE DEPART- MENT,	
<i>See "City Council."</i>	
City Council to constitute, case cited and note. Acts, Sec. 209.....	211
LEGISLATIVE DISTRICTS,	
boundaries of. —first district. Acts, Sec. 657A.....	394-5
note	395
—second district. Acts, Sec. 657A.....	394-5
—third district. Acts, Sec. 657A.....	394-5
councilmanic districts, re-ar- rangement of. Acts, Sec. 657B.....	395-6

LEGISLATIVE DISTRICTS, Page**Wards,**

- advertisement of pre-cincts.
Acts Sec. §656h..... 393
- boundaries, book of descriptions of.
Acts, Sec. §656e..... 392
- copies of books of boundaries.
Acts, Sec. §656e..... 392
- division of city into.
Acts, Sec. §656d..... 391-392
- division to be made in thirty days.
Acts, Sec. §656g..... 393
- division of, into precincts.
Acts, Sec. §656h..... 393
- land records, record of boundaries in.
Acts, Sec. §656e..... 392
- maps of wards and pre-cincts.
Acts, Sec. §656i..... 393
- numbering.
Acts, Sec. §656d..... 391-392
- population of.
Acts, Sec. §656d..... 391-392
- precincts.
Acts, Sec. §656h..... 393
- records of Supervisors' office, books to become.
Acts, Sec. §656d..... 391-392
- renumbering.
Acts, Sec. 657..... 393-394
- Supervisors of Elections to lay out.
Acts, Sec. §656d..... 391-392
- variation in population of.
Acts, Sec. §656d..... 391-392

**LEGISLATIVE REFERENCE,
DEPARTMENT OF,**

See "Department of Legislative Reference."

Acts, Sec. 208A..... 210

**LEMONS, LIMES AND
ORANGES,**

See "Oranges, Lemons and Limes."

LEVY,

See "Annual Levy," "Appeal Tax Court;" "Board of Estimates;" "City Collector;" "Ordinance of Estimates" and "Taxes."

LEVY.—(Cont'd).

- of assessments—constructing, opening, etc., sewers.
Acts, Sec. 818..... 504
- of taxes—appeals from, assessments not to stay levy.
Acts, Sec. 170..... 186
- damages in opening, etc., streets, levy for.
Acts, Sec. 175..... 191
- Police Commissioners—to pay expenses of.
Acts, Sec. 747..... 459

LEXINGTON MARKET,

See "Markets."

provisos relating to.

Ords., Art. 23, Secs. 77-79..... 947-948

LIBERTY STREET,

- vehicles, stands for prohibited.
Ords., Art. 4, Sec. 32.... 691

LIBRARIAN,

- absence of—first assistant to act as City Librarian in.
Acts, Sec. 198..... 206
- advertisements for proposals for supplies.
Acts, Sec. 197..... 205
- accounts of supplies furnished.
Acts, Sec. 197..... 205
- annual report to City Council by.
Acts, Sec. 197..... 205
- appointment.
Acts, Sec. 196..... 203
- arrange and classify records.
Acts, Sec. 196..... 203
- assistant Librarian—bond, oath.
Ords., Art. 21, Sec. 5..... 906
- assistants, appointment, duties, salaries.
Acts, Sec. 198..... 206
- bids filed, not to be withdrawn.
Acts, Sec. 199..... 206

	Page
LIBRARIAN.—(Cont'd).	
—to keep record of.	
Acts, Sec. 199.....	206
bonds.	
Acts, Sec. 196.....	204
—of assistants.	
Acts, Sec. 198.....	206
books—removal from library.	
Acts, Sec. 196.....	203
—receipt for.	
Acts, Sec. 196.....	204
contracts—for stationery.	
Acts, Sec. 197.....	205
—copies to be filed.	
Acts, Sec. 199.....	206
duties.	
Acts, Secs. 196–199.....	203–206
general statement annually to City Council.	
Acts, Sec. 199.....	206
index of records, prepare and keep.	
Acts, Sec. 196.....	203
library when to be open.	
Acts, Sec. 200.....	206
location of library in City Hall.	
Acts, Sec. 196.....	204
miscellaneous stationery sup- plies.	
Acts, Sec. 197.....	205
ordinances and resolutions, to be deposited in City Library.	
Ords., Art. 1, Sec. 27....	579
—to collect and arrange.	
Acts, Sec. 196.....	204
Paving Commission, records of to deposit with.	
Acts, Sec. §841s.....	545

Perishable And Movable City Property,

—accounting for by city officials.	
Ords., Art. 21, Sec. 3..	905
—City Solicitor to sue for recovery of when lost.	
Ords., Art. 21, Sec. 4....	906

	Page
LIBRARIAN.—(Cont'd).	

Perishable and Movable

City Property.—(Cont'd).

—Comptroller to examine lists of, annually and report losses to City Solicitor.	
Ords., Art. 21, Sec. 4....	906
—copy and preservation of lists of.	
Ords., Art. 21, Sec. 2....	905
—death in office, successor to be responsible for property.	
Ords., Art. 21, Sec. 3....	906
—departments, heads of to file lists of, proviso.	
Ords., Art. 21, Sec. 1....	904
—inventories of, heads of departments to furnish, proviso.	
Ords., Art. 21, Sec. 1....	904
—receipt for property by successor in office.	
Ords., Art. 21, Sec. 3....	905
—succession in office of city officials, transfer of prop- erty in.	
Ords., Art. 21, Sec. 3....	905

Pictorial Collection Showing Growth and Development Of City,

—acquisition of pictures, etc.	
Ords., Art. 21, Sec. 7..	907
—art societies, etc., to ap- prove pictures.	
Ords., Art. 21, Sec. 7....	907
—buildings, monuments, streets, etc., to be photo- graphed every ten years.	
Ords., Art. 21, Sec. 8....	907
—development of collection.	
Ords., Art. 21, Sec. 9....	907
—pictorial history of city.	
Ords., Art. 21, Sec. 9....	907
records—of city to be cus- todian of.	
Acts, Sec. 196.....	203
—of new Sewerage Commis- sion.	
Acts, Sec. §824h.....	517
requisitions, record of.	
Acts, Sec. 199.....	206

	Page
LIBRARIAN.—(Cont'd).	
schedule of stationery re- quired, all departments to furnish.	
Acts, Sec. 197.....	204
stationery, to furnish to de- partments.	
Acts, Sec. 197.....	205
supplies, contracts for, to cover additional.	
Acts, Sec. 197.....	205
LIBRARIES FOR SCHOOLS,	
books for, not to be injurious to morals.	
Ords., Art. 32, Sec. 10.....	1046
City College and high schools, establishment at.	
Ords., Art. 32, Sec. 9.....	1046
LIBRARY, CITY,	
<i>See "Librarian."</i>	
LICENSE AND MARKET DETECTIVE,	
<i>See "Comptroller."</i>	
appointment, duties and salary of,	
Ords., Art. 6, Sec. 18.....	703-4
LICENSE FEES,	
<i>See "Licenses."</i>	
vehicles, boats, etc.	
Ords. Art. 41, Sec. 80.....	1226
LICENSED HOUSES OR ORDINARIES,	
penalty for gaming in.	
Ords., Art. 12, Sec. 2.....	768
LICENSEES, NOTICE TO,	
publication of expiration of licenses.	
Ords., Art. 41, Sec. 84.....	1227
LICENSE NUMBER PLATES,	
<i>See "Licenses."</i>	
LICENSE TAGS,	
<i>See "Dogs" and "Licenses."</i>	
penalty for unauthorized use or removal of.	
Ords., Art. 41, Sec. 22.....	1203-04

	Page
LICENSES,	
<i>See "Collector of Water Rents and Licenses," "Dogs," "Liquor and Intoxicating Drinks," "Markets," sub- title "Licenses and Rents," "Special Police Fund," "Vehicles," "Water Rents" and under the various heads, embodying license provisions.</i>	
alphabetical list of licensees, sheriff to prepare.	
Acts, Sec. 701.....	427-8
balls.—rates of licenses for.	
Ords., Art. 41, Sec. 12.....	1199
—unlicensed public, penalty.	
Ords., Art. 41, Sec. 11.....	1199
Belair Market.	
Ords., Art. 23, Sec. 63.....	939
billiard and bagatelle tables— cost of license, proviso.	
Acts, Sec. 658.....	396
—further tax on tables.	
Acts, Sec. 660.....	396
—penalty for unlicensed use.	
Acts, Sec. 659.....	396
Ords., Art. 41, Sec. 3.....	1196
bowling alleys; assent of owners adjoining property necessary.	
Ords., Art. 41, Sec. 5.....	1197
—cost of license; penalty.	
Ords., Art. 41, Sec. 4.....	1197
Broadway Market, stalls in.	
Ords., Art. 23, Sec. 69.....	940
Canton Market.	
Ords., Art. 23, Sec. 71.....	941
carriages.	
Acts, Sec. 6.....	47
cars on street railways; cost of.	
Ords., Art. 41, Sec. 18,	1201-02
carts, carters.	
Acts, Sec. 6.....	47
certificate of market licenses.	
Ords., Art. 23, Sec. 17.....	923-4
charcoal; penalty.	
Ords., Art. 41, Sec. 19.....	1202

	Page
LICENSES.—(Cont'd).	
cheese or salted or cured meats; penalty. Ords., Art. 41, Sec. 16,	1200-01
clerk of markets to post notice on unrented stalls. Ords., Art. 23, Sec. 12....	922
dogs—cost of license; renewal of; penalty. Ords., Art. 41, Sec. 21,	1202-03
—dogs exempt from. Ords., Art. 41, Sec. 21,	1202-03
—seizure and impounding of. Ords., Art. 41, Sec. 20....	1202
—tags and collars for. Ords., Art. 41, Sec. 20....	1202
—tags lost or stolen; replacing. Ords., Art. 41, Sec. 21,	1202-03
drays, draymen. Acts, Sec. 6.....	47
due and collectable, when Acts, Sec. 59.....	132
flour and meal; required for sales of, from wagons; proviso. Ords., Art. 23, Sec. 24....	927
fees of sheriff. Acts, Sec. 702.....	427-8
flying horses, cost of; penalty. Ords., Art. 41, Sec. 10....	1199
fruits, meats, vegetables; sale of.	
gauger of casks and liquors; fee and oath of licensee. Acts, Sec. 544.....	341
general powers in relation to. Acts, Sec. 6.....	61
hackney carriages; issue of special license for. Acts, Sec. 285.....	255
—restrictions applicable to such licenses. Acts, Sec. 286.....	255-56
hacks, hackmen. Acts, Sec. 6.....	47

	Page
LICENSES.—(Cont'd).	
homes for care of infants. Acts, Sec. §493h.....	323
horse dealers— —auctioneers exempt from provisions hereunder. Acts, Sec. 662.....	397-8
—dealers defined. Acts, Sec. 663.....	398
—fee for license, additional fees. Acts, Sec. 661.....	396-7
—non-resident dealers. Acts, Sec. 662.....	397-8
—penalty for unlicensed dealing. Acts, Sec. 662.....	397-8
—sales by individuals. Acts, Sec. 662.....	398
—sales in streets, prohibited Acts, Sec. 661.....	396-7

Installation of Electrical Apparatus and Wiring, Board of Examiners and Supervisors,

—appeal from decisions, arbitration of. Acts, Sec. §663f.....	401-2
—appointment. Acts, Sec. §663a.....	398-9
—apprentices, exemption. Acts, Sec. §663q.....	406
—assignment of license. Acts, Sec. §663n.....	405
—Board of Arbitration. Acts, Sec. §663f.....	401-2-3
—bond, failure of, to revoke license. Acts, Sec. §663j.....	404
—bond of applicant. Acts, Sec. §663f.....	401-2-3
—by-laws. Acts, Sec. §663b.....	399-400
—compensation. Acts, Sec. §663c.....	400
—composition of. Acts, Sec. §663a.....	398-9
—conditions of issue of license. Acts, Sec. §663f.....	401-2-3
—evidence, license as. Acts, Sec. §663g.....	403
—examination of electricians, rules for. Acts, Sec. §663d.....	400
—examination, requirements of. Acts, Sec. §663f.....	401-2-3
Acts, Sec. §663q.....	406

	Page
LICENSES.—(Cont'd).	
Installation of Electrical Apparatus, Etc.—(Cont'd).	
—exemption from provisions.	
Acts, Sec. §663f.....	401-2-3
—expenses, proviso.	
Acts, Sec. §663c.....	400
—fee, renewal.	
Acts, Sec. §663h.....	403-4
—functions.	
Acts, Sec. §663a.....	398-9
—journeymen.	
Acts, Sec. §663q.....	406
—license, display of.	
Acts, Sec. §663k.....	404
—license fee.	
Acts, Sec. §663f.....	401-2-3
—license, powers under.	
Acts, Sec. §663 l.....	404-5
—fees, disposition of.	
Acts, Sec. §663o.....	405
—“Master Electrician,” de-	
fined.	
Acts, Sec. §663e.....	400-1
—meetings.	
Acts, Sec. §663d.....	400
—municipal electrical inspec-	
tors, statement to, of	
licenses issued, etc.	
Acts, Sec. §663d.....	400
—nominations for member-	
ship on Board.	
Acts, Sec. §663a.....	398-9
—notice of meetings to appli-	
cants.	
Acts, Sec. §663d.....	400
—oath of applicant.	
Acts, Sec. §663f.....	401-2-3
—of office of Board.	
Acts, Sec. §663b.....	399-400
—officers, election of.	
Acts, Sec. §663b.....	399-400
—per diem of.	
Acts, Sec. §663c.....	400
—penalty for work without	
license.	
Acts, Sec. §663m.....	405
—quorum.	
Acts, Sec. §663a.....	398-9
—register of licenses.	
Acts, Sec. §663f.....	401-2-3
—removal from board.	
Acts, Sec. §663a.....	398-9
—renewals of license, fee.	
Acts, Sec. §663h.....	403-4
—report to Governor.	
Acts, Sec. §663p.....	406
—revocation of license.	
Acts, Sec. §663i.....	404

	Page
LICENSES.—(Cont'd).	
Installation of Electrical Apparatus, Etc.—(Cont'd).	
—rules of Board.	
Acts, Sec. §663b.....	401-2-3
—secretary, compensation.	
Acts, Sec. §663c.....	400
—term of license.	
Acts, Sec. §663g.....	403
—term of office of members.	
Acts, Sec. §663a.....	398-9
—wiring specifications.	
Acts, Sec. §663d.....	400
—vacancies in Board.	
Acts, Sec. §663a.....	398-9
license and market detective.	
Ords., Art. 6, Sec. 18.....	704
to cover business in one	
building only, proviso.	
Acts, Sec. 702.....	427
Liquor Licenses,	
—affidavit by parent, wife,	
etc., of intemperates.	
Acts, Sec. 681.....	416
—to petition for.	
Acts, Sec. 674.....	412-13
—apothecaries, sales by,	
record of.	
Acts, Sec. 683.....	417
—application, publication of.	
Acts, Sec. 673.....	412
—record of.	
Acts, Sec. 669.....	410-11
—appointment of Board of	
Liquor License Commis-	
sioners.	
Acts, Sec. 668.....	410
—assignment of license.	
Acts, Sec. 690.....	421-2
—bottling license, fee.	
Acts, Sec. 688.....	419-20
—brewers, retail license, not	
to issue to.	
Acts, Sec. 678.....	414-15-16
—sales by.	
Acts, Sec. 688.....	419-20
—certificate of voters to	
petitions.	
Acts, Sec. 675.....	413
—clerks to Board.	
Acts, Sec. 669.....	410-11
—club license fee.	
Acts, Sec. 678.....	414-15-16
—clubs, sales by.	
Acts, Sec. 682.....	416-17
—counsel to Board.	
Acts, Sec. 669.....	410-11

	Page
LICENSES.—(Cont'd).	
Liquor Licenses.—(Cont'd).	
—destroyed or lost.	
Acts, Sec. 690.....	421-2
—display of license.	
Acts, Sec. 680.....	416
—disposition of fees.	
Acts, Sec. 679.....	416
“ “ 688.....	419-20
—distillers, no retail license to.	
Acts, Sec. 678.....	414-15-16
—sales by.	
Acts, Sec. 688.....	419
—drink, sales by.	
Acts, Sec. 678.....	414-15-16
—druggists, sales by, record of.	
Acts, Sec. 683.....	417
—drunkards, sales to forbidden.	
Acts, Sec. 681.....	416
—duplicate license.	
Acts, Sec. 690.....	421-22
—election day, no sales on.	
Acts, Sec. 682.....	416-17
Acts, Sec. 685.....	418
—exemptions from provisions.	
Acts, Sec. 667.....	410
—expenses of Board.	
Acts, Sec. 669.....	410
—fee for license.	
Acts, Sec. 672.....	411-12
Acts, Sec. 678.....	414-15-16
—payment of, prerequisite to issue.	
Acts, Sec. 677.....	414
—fine for unlicensed sales.	
Acts, Sec. 684.....	417-18
—fraud revoking license.	
Acts, Sec. 676.....	413-14
—German, publication of petition in.	
Acts, Sec. 673.....	412
—grocers, retail license for.	
Acts, Sec. 678.....	414-15-16
—hotel-keepers, sales by, on Sundays.	
Acts, Sec. 682.....	416-17
—license to.	
Acts, Sec. 689.....	420-21
—improper issue of license.	
Acts, Sec. 686.....	418-19
—intoxicants defined.	
Acts, Sec. 667.....	409-10
—jobbers and wholesalers, fee.	
Acts, Sec. 688.....	491

	Page
LICENSES.—(Cont'd).	
Liquor Licenses.—(Cont'd).	
—jurisdiction of Board.	
Acts, Sec. 671.....	411
—lapse of petition when fee not paid.	
Acts, Sec. 678.....	414-15-16
—license framed under glass and displayed.	
Acts, Sec. 680.....	416
—lost or destroyed.	
Acts, Sec. 690.....	421-2
—minors, no sales to.	
Acts, Sec. 681.....	416
—non-alcoholic beverages.	
Acts, Sec. 678.....	414-15-16
—note case cited.....	414
—notice of petition by publication.	
Acts, Sec. 673.....	412
—ordinary keeper.	
Acts, Sec. 689.....	420-21
—notice to applicant when petition granted.	
Acts, Sec. 678.....	414-15-16
—penalty for false statements in petition.	
Acts, Sec. 674.....	412-13
—permit for sales during transfer of license.	
Acts, Sec. 690.....	421-22
—penalty for unlicensed sales.	
Acts, Sec. 684.....	417-18-19
—petition for license, requirements for.	
Acts, Secs. 673-74.....	412
—petition of residents.	
Acts, Sec. 676.....	413-14
—Police Commissioners, permits of sale.	
Acts, Sec. 682.....	416-17
—Police Commissioners, permits, fee.	
Acts, Sec. 691.....	422
—publication of petition.	
Acts, Sec. 673.....	412
—prosecution of Board for corruption.	
Acts, Sec. 686.....	418-19
—recommendations and remonstrances, record of.	
Acts, Sec. 669.....	410-11
—records, open to public.	
Acts, Sec. 669.....	410-11
—remonstrances of residents.	
Acts, Sec. 676.....	413

	Page
LICENSES.—(Cont'd).	
Liquor Licenses.—(Cont'd).	
—revocation for false state- ments in petition.	
Acts, Sec. 674.....	412-13
—revocation, on improper is- sue.	
Acts, Sec. 686.....	418-19
—revocation for fraud, viola- tion of law, etc.	
Acts, Sec. 676.....	413-14
—revocation, for loitering mi- nors and disreputable persons.	
Acts, Sec. 685.....	418
—salaries of Board.	
Acts, Sec. 670.....	411
—sales on Sundays or elec- tion days prohibited.	
Acts, Sec. 674.....	412-13
Acts, Sec. 682.....	416-17
—sales to minors, drunk- ards, etc.	
Acts, Sec. 681.....	416
—saloon license fee.	
Acts, Sec. 678.....	414-15-16
—summoning witnesses.	
Acts, Sec. 687.....	419
—term of license, when to begin.	
Acts, Sec. 672.....	411-12
“ “ 688.....	419-20
—tobacco, sales of by li- censees.	
Acts, Sec. 678.....	414-15-16
—vote of Board on applica- tions.	
Acts, Sec. 669.....	410-11
—voters, certificate of, to petitions.	
Acts, Sec. 674.....	413
—wholesalers and jobbers li- cense, fee.	
Acts, Sec. 688.....	419
—witnesses, Board to sum- mon.	
Acts, Sec. 687.....	419
list of business to Grand Jury.	
Acts, Sec. 701.....	427-8
meal and flour ; fee for license for sale of from carts or vehicles in markets.	
Ords., Art. 23, Sec. 24....	927
merchandise brokers, fee for license.	
Acts, Sec. 694.....	424

	Page
LICENSES.—(Cont'd).	
Liquor Licenses.—(Cont'd).	
midwives, by Board of Health.	
Acts, Sec. §493f.....	323
musical parties ; exemptions.	
Ords., Art. 41, Sec. 13....	1200
Northeast market ; licenses for stalls.	
Ords., Art. 23, Sec. 105..	950
notice to licensees, publi- cation of.	
Acts, Sec. 701.....	427-8
oil and fluid illuminants—pen- alty for sale without.	
Art. 41, Sec. 27.....	1205
—record for licenses ; copy for Assistant Superinten- dent of Lamps and Light- ing.	
Ords., Art. 41, Sec. 26....	1205
Pawnbrokers,	
—accounts.	
Acts, Sec. 692.....	422-3
—bond of.	
Acts, Sec. 693.....	423
Ords., Art. 41, Sec. 30....	1206, 1207
—cost and term of license.	
Ords., Art. 41, Sec. 28....	1205, 1206
—fees for license.	
Acts, Sec. 693.....	423
—inspection of accounts.	
Acts, Sec. 692.....	422-3
—license fee.	
Acts, Sec. 693.....	423
—Marshal of Police to inspect accounts.	
Acts, Sec. 692.....	422-3
—penalty for violation of provisions.	
Acts, Sec. 692.....	422-3
“ “ 693.....	423
—special provisions relating to.	
Ords., Art. 41, Sec. 29....	1206
performances in theatres, penalty.	
Ords., Art. 41, Sec. 8.....	1198
poles, telegraph, telephone, etc., cost of ; poles exempt.	
Ords., Art. 41, Sec. 39....	1210-1211

LICENSES.—(Cont'd).

—tin plates for; dies of plates.	
Ords., Art. 41, Sec. 40.....	1211
porters.	
Acts, Sec. 6.....	47
premises where business carried on to be designated in license.	
Acts, Sec. 702.....	428
—privy cleaners applications for licenses.	
Ords., Art. 41, Sec. 45.....	1213
—bonds of.	
Ords., Art. 41, Sec. 45.....	1213, 1214
—licenses for.	
Ords., Art. 14, Sec. 140..	840
—penalty for cleaning without license.	
Ords., Art. 41, Sec. 44.....	1213
Real Estate Brokers,	
—attorneys exempt.	
Acts, Sec. 700.....	426
—broker defined.	
Acts, Sec. 696.....	425
—cesser of license.	
Acts, Sec. 697.....	425
—death of licensee.	
Acts, Sec. 697.....	425
—fee for license.	
Acts, Sec. 695.....	424
—lawyers exempt.	
Acts, Sec. 700.....	426
—license requirements for.	
Acts, Sec. 695.....	424
—names of licensees to be inserted in license.	
Acts, Sec. 695.....	424
—note, cases cited.....	424
—penalty for unlicensed brokers.	
Acts, Sec. 696.....	425
—separate license for each office.	
Acts, Sec. 699.....	426
—transfer of license.	
Acts, Sec. 698.....	426
regulation, taxation or suppression of certain trades, vocations or professions.	
Acts, Sec. 6.....	61
revenue from carriage, etc., application of.	
Acts, Sec. 6.....	47

Page

LICENSES.—(Cont'd).

revocations and refusal of.	
Ords., Art. 41, Sec. 14.....	1200
sausages and puddings in markets; proviso.	
Ords., Art. 41, Sec. 17.....	1201
sheriff's fees.	
Acts, Sec. 701.....	427-8
shuffle boards; cost of; penalty.	
Ords., Art. 41, Sec. 6.....	1197
stevedores.	
—fee for license.	
Acts, Sec. \$700a.....	427
—license.	
Acts, Sec. \$700a.....	427
—note, case cited.	
Acts, Sec. \$700a.....	427
—penalty for unlicensed business, as.	
Acts, Sec. \$700a.....	427
Street Venders' Licenses,	
—fruits, cakes, nuts, etc.	
Ords., Art. 41, Sec. 46.....	1214
—notice to offenders against license laws; proviso.	
Ords., Art. 41, Sec. 49.....	1215
—fruits and vegetables; sold from wagons.	
Ords., Art. 41, Sec. 50.....	1215
—hawkers and hucksters of fruit and vegetables.	
Ords., Art. 41, Sec. 51.....	1215
—oranges, lemons and limes; sales restricted to one person.	
Ords., Art. 41, Sec. 48.....	1214-1215
—penalty.	
Ords., Art. 41, Sec. 47.....	1214
—penalties for violation of regulations relating to.	
Ords., Art. 41, Sec. 53.....	1216
—sales from wagons; license for; penalty.	
Ords., Art. 41, Sec. 51.....	1215
—wagon attendants to wear license badge.	
Ords., Art. 41, Sec. 52.....	1216
theatres; annual license.	
Ords., Art. 41, Sec. 9.....	1198
theatrical performances; cost; penalty.	
Ords., Art. 41, Sec. 7.....	1197-1198

Page

LICENSES.—(Cont'd).

Vehicles, Boats and Scows,

- Acts, Sec. 6..... 47
- Ords., Art. 41, Secs. 74-84
.....1223-1227
- accounting for licenses
issued by Collector.
Ords., Art. 41, Sec. 75..1223
- advertisement of expira-
tion of licenses.
Ords., Art. 41, Sec. 84..1227
- annual fee for licenses.
Ords., Art. 41, Secs. 80, 84
.....1226-27
- notice of expiration to
licensees.
Ords., Art. 41, Sec. 84..1227
- boats and scows, issue of
license for.
Ords., Art. 41, Sec. 75..1223
- for which license re-
quired.
Ords., Art. 41, Sec. 76
.....1223-4
- cabs, etc., license re-
quired, penalty.
Ords., Art. 41, Sec. 76
.....1223-5
- false entry of, or change
of number of license,
penalty.
Ords., Art. 41, Sec. 81..1226
- fees for licenses.
Ords., Art. 41, Sec. 80..1226
- fraud in regard to licenses;
penalty.
Ords., Art. 41, Sec. 81..1226
- hackney carriages, license
for.
Ords., Art. 41, Sec. 76
.....1223-4
- license fees for carriages,
etc.
Ords., Art. 41, Sec. 80..1226
- and number plates,
issue of.
Ords., Art. 41, Secs.
76, 781223-25
- and plate numbers to
correspond.
Ords., Art. 41, Sec. 83..1227
- misuse of licenses, pen-
alty.
Ords., Art. 41, Secs.
81, 851226-8

LICENSES.—(Cont'd).

Vehicles, Boats, Etc. (Cont'd).

- note1226
- notice to licensees of ex-
piration of license.
Ords., Art. 41, Sec. 84..1227
- numbers on plates, and
license numbers to cor-
respond, penalty.
Ords., Art. 41, Sec. 83..1227
- number plates, require-
ments for.
Ords., Art. 41, Sec. 78
.....1224-5
- numbers on private car-
riages.
Ords., Art. 41, Sec. 78
.....1224-5
- licensees may retain
same number from year
to year.
Ords., Art. 41, Sec. 79..1225
- owners may provide num-
ber plates.
Ords., Art. 41, Sec. 79..1225
- of carriages using same
for hire to procure li-
cense, penalty.
Ords., Art. 41, Sec. 82..1227
- penalty for neglect of li-
cense.
Ords., Art. 41, Sec. 76..1224
- for fraud in regard to li-
cense.
Ords., Art. 41, Sec. 81..1226
- period for which licenses
are issued.
Ords., Art. 41, Sec. 77..1224
- private carriages, number
plates for.
Ords., Art. 41, Sec. 78..1225
- license required when
used for hire.
Ords., Art. 41, Sec. 82..1227
- publication of expiration
of licenses.
Ords., Art. 41, Sec. 84..1227
- revocation of license for
violations of speed regu-
lations.
Ords., Art. 41, Sec. 74..1223
- termination of license,
proviso extending time.
Ords., Art. 41, Sec. 77..1224

	Page
LICENSES.—(Cont'd).	
Vehicles, Boats, Etc.—(Cont'd).	
—transfer of license, where made.	
Ords., Art. 41, Sec. 80..	1226
—vehicle licenses, issue of.	
Ords., Art. 41, Sec. 75..	1223
—vehicles for which license required.	
Ords., Art. 41, Sec. 76	
	1223-4
visits to jail—license re-	
quired.	
Acts, Sec. 137.....	167
wagons, wagoners.	
Acts, Sec. 6.....	47
watermen.	
Acts, Sec. 6.....	47
women's merchandise li-	
censes.	
Ords., Art. 41, Sec. 85....	1228
—fines and penalties for violation of provisions.	
Ords., Art. 41, Sec. 85..	1228

LICENSES FOR VEHICLES,

See "Licenses."

LICENSES AND RENTS,

See "Markets," sub-title "Licenses and Rents."

Ords., Art. 23, Secs.
12-17.....922-924

**LICENSES OF AUCTION-
EERS,**

See "Auctioneers."

LICENSES OR PERMITS,

See "Special Police Fund."

LIENS,

See "Assessments;" "City Collector;" "Condemnation of Property;" "City Register;" "Grading, Paving, etc., Streets;" "Opening, closing, etc., Streets" and "Taxes."

assessments for grading,
paving, etc.
Ords., Art. 35, Sec. 93..1127

LIENS.—(Cont'd).	Page
benefits assessed—for grad-	
ing, paving, etc.	
Ords., Art. 35, Sec. 67..	1115
—to vest in any person pay-	
ing assessment for open-	
ing, etc., sewers.	
Ords., Art. 33, Sec. 15..	1071
Burnt District assessments.	
App. A, Sec. 18	1252
increase of assessment of	
taxes by Baltimore City	
Court to be.	
Acts, Sec. 170.....	187
livery charges.	
(<i>See "Livery Stable</i>	
<i>Keeper."</i>)	
sewers—benefits assessed in	
construction, etc., of.	
Acts, Sec. 819.....	505

**LIFTS, ELEVATORS, AND
HOISTS,**

See "Buildings," sub-title, "Elevators."

LIGHT STREET,

vehicles; stands for pro-
hibited.
Ords., Art. 4, Sec. 31.... 692

widening of, by B. D. Com-
mission.
App. A, Sec. 27.....1255-1256

LIGHT STREET BRIDGE,

See "Long Bridge."

**LIGHTING AND CLEANING
CITY LAMPS,**

See "Lamps and Lighting."

duties of Superintendent of
Lamps and Lighting.
Ords., Art. 20, Sec. 3..... 894

hour for lighting city lamps.
Ords., Art. 20, Sec. 23.. 900

**LIGHTING AND CLEANING
STREETS,**

See "Lamps and Lighting" and "Street Cleaning."

	Page
LIGHTING AND CLEANING STREETS. —(Cont'd).	
general powers of city.	
Acts, Sec. 6	80
interference with lighting, penalty.	
Ords., Art. 25, Secs. 57-58	976
LIGHTING CONTRACTS,	
<i>See "Lamps and Lighting."</i>	
forfeit clause for dead lamps.	
Ords., Art. 20, Sec. 16.....	898-9
LIGHTING PLANT, MUNICIPAL,	
<i>See "Stocks, Loans and Finance."</i>	
LIGHT STREET BRIDGE,	
joint maintenance of lights on.	
Acts, Sec. 6.....	83
LIMITATIONS,	
<i>See "Taxes."</i>	
bail, recognizance six years.	
Acts, Sec. §278e.....	248
City Council not to consider claims barred by.	
Ords., Art. 1, Sec. 32.....	581
LINEMEN AND BATTERY-MAN,	
<i>See "Fire" sub-title "Fire Department."</i>	
Fire Alarm Telegraph, appointment, duties, bond.	
Ords., Art. 11, Secs. 27-30	746-747
LINES AND GRADES OF STREETS,	
<i>See "Streets and City Engineer."</i>	
appeals from decisions of City Engineer.	
Ords., Art. 135, Sec. 47..	1107
.....	1108
—bond of appellant.	
Ords., Art. 35 Sec. 48....	1108
—expenses of appeal.	
Ords., Art. 35 Sec. 49....	1108

	Page
LINES OF STREETS,	
<i>See "Grade Lines of Streets;" and "Streets and City Engineer."</i>	
establishment of, before building, etc., is begun.	
Ords., Art. 35, Sec. 46..	1107
LIQUID, LONG AND DRY MEASURES,	
annual inspection of.	
Ords., Art. 17, Sec. 17..	882
LIQUOR,	
Sabbath sales of, in streets unlawful, penalty.	
Ords., Art. 31, Sec. 2.....	1040
LIQUOR AND INTOXICATING DRINKS,	
<i>See "Licenses."</i>	
prohibiting sales in certain places—	
—Calvert street north of Merryman's Lane, 28th street and Jones' Falls, territory bounded by.	
Acts, Sec. §666e.....	409
—Druid Hill Park, north of.	
Acts, Sec. §666d.....	408
—Edmondson avenue and Fifteenth street, vicinity of.	
Acts, Sec. §666c.....	408
—Mount Royal Terrace.	
Acts, Sec. 666.....	407
—Mount Vernon Factories.	
Acts, Sec. §664.....	406
—Oak street, 24th street, Guilford avenue and 21st street.	
Acts, Sec. §666b.....	407
—Walbrook Public School, vicinity of.	
Acts, Sec. §666a.....	407
—Woodberry Factory.	
Acts, Sec. 665.....	406
LIQUORS AND WINES,	
<i>See "Inspections, Weights and Measures."</i>	
markets, sales in forbidden, penalty.	
Ords., Art. 23, Sec. 36....	930

LIQUORS, SPIRITUOUS OR
MALT,

- in jail, prohibited.
 Acts, Sec. 135 167
 —penalty.
 Acts, Sec. 136..... 167

LIST OF BONDS AND
STOCKS,

- See "Stocks, Loans and Finance."*
 issues of, chronological table of.
 Ords., Art. 34, Sec. 19....1082

LIST OF HOLDERS OF
CITY LOANS,

- See "Appeal Tax Court."*
 Appeal Tax Court to make list, when.
 Acts, Sec. 154..... 175

LISTS OF CITY PROPERTY,
See "Librarian."

- heads of departments to furnish to librarian, exception.
 Ords., Art. 21, Sec. 1.... 904
 905

LIVE STOCK,

- See "Police Regulations."*
 driving through streets on Sabbath, unlawful, penalty, proviso.
 Ords., Art. 31, Sec. 1....1040

LIVERY STABLE KEEPERS,

- account for livery to be proven before a J. P.
 Acts, Sec. 293 257
 custody of horse, etc., to be retained until his charges are paid.
 Acts, Sec. 291..... 257
 sale of horse or vehicle for livery charges, notice of sale.
 Acts, Sec. 292..... 257
 warrant of sale for livery charges.
 Acts, Sec. 293.....257-258

LIVERY STABLES,

- See "Buildings," sub-title "Stables."*

LIVE STOCK,

- See "Inspections, Weights and Measures."*
 weighing of—at Canton hay scales, scale of charges for weighing.
 Acts, Sec. 565..... 347

LOADING AND UNLOADING OF CARS IN
STREETS,

- See "Railroads and Railways;" sub-title "Cars of Steam Railroads."*
 Ords., Art. 30, Sec. 3....1016
1017

LOADING OR UNLOADING
OF WAGONS,

- See "Vehicles."*

LOANS STOCKS AND FINANCE,

- See "Stocks Loans and Finance."*
 list of loans furnished to Appeal Tax Court by City Register.
 Acts, Sec. 151..... 173
 sewer loans, sinking funds and levy for.
 Acts, Sec. 823..... 506
 sewers, loan to defray cost of constructing.
 Acts, Sec. 818..... 504
 sinking funds.
 Acts, Sec. 41..... 121
 temporary loans.
 Acts, Sec. 41..... 121

LOADS ON FLOORS,
WEIGHTS AND
STRAINS,

- See "Buildings," this sub-title.*

LOCATION OF ELECTRIC
LAMPS,

- See "Lamps and Lighting."*
 Superintendent of Lamps and Lighting to change.
 Ords., Art. 20, Sec. 22.. 900

Page

LOCOMOTIVE ENGINES,

See "Railroads and Railways."

provisions of Code relating to,
how applicable.
Ords., Art. 30, Sec. 17.....1021

riding on unauthorized, pen-
alty.
Ords., Art. 4, Sec. 28..... 690

streets on which use of
allowed—
—Boston street.
Ords., Art. 30, Sec. 13.....1019
—Camden Station, streets in
vicinity of.
Ords., Art. 30, Sec. 13.....1019
—Canton avenue.
Ords., Art. 30, Sec. 13.....1020
—Eastern avenue.
Ords., Art. 30, Sec. 13.....1019
—North street.
Ords., Art. 30, Sec. 13.....1019
—Pratt street.
Ords., Art. 30, Sec. 13.....1019
—President street.
Ords., Art. 30, Sec. 13.....1020

use of on tracks unauthor-
ized, prohibited; penalty.
Ords., Art. 30, Sec. 15.....1020

**LODGING HOUSES AND
TENEMENTS,**

*See "Tenement and Lodging
Houses."*
Acts, Sec. 6..... 53

LONG BRIDGE,

maintenance at sole expense
of city.
Acts, Sec. 839.....528-529

Police Commissioners,
authority, duties and
powers of in relation to
bridge.
Acts, Sec. 781..... 484

LOSS OF CITY PROPERTY,

recovery of, or damages for,
by City Solicitor.
Ords., Art. 21, Sec. 4.... 906

Page

**LOST CERTIFICATES OF
STOCK,**

*See "Stocks, Loans and
Finance."*
renewal of, application for.
Ords., Art. 34, Sec. 5.....1078

**LOST MONEY OR PROP-
ERTY,**

See "Special Police Fund."

LOW GROUND,

draining of.
Ords., Art. 14, Secs. 94-
100.....826-827

wood shavings on, prohibited,
penalty.
Ords., Art. 14, Sec. 121.. 833

LUMBER,

tax on lumber floated to port.
Acts, Sec. 6..... 52

**LUNATIC AND INSANE
CONVICTS,**

Visitors of Jail to have ex-
amined.
Acts, Sec. §120a.....163

**MACADAM PAVING IN
"ANNEX,"**

authorized when owners se-
lect.
Ords., Art. 35, Sec. 82, 1122

**McDONOGH EDUCATIONAL
FUND AND INSTITUTE,**

annual report of trustees to
Mayor and City Council,
contents of.
Ords., Art. 22, Sec. 7, 911

inspection of records and prop-
erty by the Mayor and by
Committee of City Council.
Ords., Art. 22, Sec. 8, 911

interest of fund to be applied
to maintenance of school.
Ords., Art. 22, Sec. 6,
.....910-911

list of original trustees.
Ords., Art. 22, Sec. 1, 908

	Page
MCDONOGH FUND. —(Cont'd).	
number of trustees, vacancy in, Mayor to fill vacancies.	
Ords., Art. 22, Sec. 3,	909
powers of trustees of, bond of disbursing officer.	
Ords., Art. 22, Sec. 4,	909-910
Note, case cited.....	910
property of, to vest in trustees.	
Ords., Art. 22, Sec. 2,	909
real estate, sale and purchase of for school farm.	
Ords., Art. 22, Sec. 5,	910
school farm, purchase of real estate and buildings for.	
Ords., Art. 22, Sec. 5,	910
surrender to city of city stock in which fund is invested, city to issue new stock therefor, issue to be approved by legal voters.	
Acts, Sec. 816.....	502-503
trustees, list of original.	
Ords., Art. 22, Sec. 1,	908
MACHINERY,	
<i>See "Buildings."</i>	
New Sewerage Commission to purchase and procure.	
Acts, Sec. §824d.....	511
McMECHEN STREET,	
cattle driving through, prohibited.	
Ords., Art. 25, Sec. 25,	967
MAGISTRATE FOR JUVENILE CAUSES,	
<i>See "Justices of the Peace."</i>	
minors—trial and commitment of.	
Acts, Sec. 886B.....	561-562
probation officers to make investigations, other duties.	
Acts, Sec. 886B.....	561-562
MAINS AND SEWERS,	
construction of in alleys, etc., when practicable.	
Ords., Art. 35, Sec. 110,	1134

	Page
MALFEASANCE BY AUCTIONEER,	
<i>See "Auctioneers."</i>	
MALICIOUS DESTRUCTION OF PROPERTY,	
<i>See "Destroying Property Maliciously."</i>	
Acts, Sec. 401.....	297
houses, fences, chattels, etc., penalty.	
Ords., Art. 25, Sec. 59,	977
MANSLAUGHTER, MURDER AND OTHER CRIMES,	
bail, not bailable by police justices.	
Acts, Sec. §278h.....	249
reward for person accused, by Mayor.	
Ords., Art. 1, Sec. 12,	575
MANUAL LABOR SCHOOL	
appropriation of \$1500 per annum for.	
Acts, Sec. 816.....	503
MANUFACTURE OF FIREWORKS,	
<i>See "Fire Regulations."</i>	
rockets, etc., prohibited, penalty.	
Ords., Art. 11, Sec. 59,	756
MANUFACTURE OF OILS,	
<i>See "Fire Department" "Oils Manufacture and Storage of."</i>	
MANUFACTURERS OF MEAL AND FLOUR,	
exemption relating to sales by.	
Ords., Art. 23, Sec. 24,	927
MANUFACTURES,	
<i>See "Appeal Tax Court."</i>	
abatements to encourage.	
Acts., Sec. 6.....	85
offensive trades, regulation of.	
Acts, Sec. 6.....	53

MANUFACTORIES PROHIBITED OR RESTRICTED,

*See "Health" sub-title
"Manufactories Prohibited
or Restricted."*

Ords., Art. 14, Secs. 65
77 816-820

MANUFACTURING PLANTS AND TOOLS,

See "Appeal Tax Court."

exemption from taxation.
Acts, Sec. 6 85

MANUFACTURING PLANTS, TOOLS, ETC.,

taxes, exemption of.
Ords., Art. 38, Secs. 7-9
..... 1157-1159

MANURE,

cartload to contain forty cubic
feet.
Acts, Sec. 571 349

MANURE AND DIRT,

penalty for unauthorized re-
moval from streets.
Ords., Art. 36, Sec. 13 1145

MAPS,

of property taken in street
opening, closing, etc.
Acts, Sec. 177 194

MAPS AND PLATS OF CITY, ETC.,

See "Topographical Survey."

MAPS OF STREET IMPROVE- MENTS,

when to be filed.
Acts, Sec. 828 522-523

MARINERS AND CHARIT- ABLE MARINE SOCIETY OF BALTIMORE,

intestate mariners, estates of.
Acts, Sec. 703 429

MARINERS, INTESTATE,

estates of, disposition.
Acts, Sec. 703 429

MARK OF IDENTIFICA- TION,

See "Pistols and Firearms."

pistols and firearms, seller of,
to stamp on and record.
Ords., Art. 25, Sec. 79, 985

MARKET CLERKS,

See "Markets."

bonds of, approval and con-
ditions of,
Ords., Art. 23, Sec. 5,
..... 920-921
—penalties of bonds for
market masters and
clerks of the several mar-
kets.
Ords., Art. 23, Sec. 6, 921

MARKET DAYS,

See "Markets."

days of the several markets.
Ords., Art. 23, Sec. 112, 952

Northeast market.
Ords., Art. 23, Sec. 104, 950

MARKET FEES,

See "Markets."

per diem to be paid by dealers
to clerk of markets.
Ords., Art. 23, Sec. 16, 923

MARKET HOUSES,

See "Markets."

Ords., Art. 23, Sec. 28, 928
houses of the several markets.
Ords., Art. 23, Sec. 113,
..... 952-953

MARKET LICENSES AND RENTS,

*See "Markets" sub-title "Li-
censes and Rents."*

clerks to collect per diem
from dealers.
Ords., Art. 23, Sec. 16, 923

MARKET LIMITS,

See "Vehicles."

MARKET MASTERS,

- See "*Comptroller*" and
"Markets."
 appointment of.
 Acts, Sec. 34.....111
- assistant market masters.
 Ords., Art. 23, Secs. 1-10
 917-922

MARKET STALLS,

- See "*Markets."*
- rent of to be fixed by clerk.
 Ords., Art. 23, Sec. 13, 922

MARKETS,

- assistant market masters
 and clerks, appointment
 of.
 Ords., Art. 23, Sec. 1, 917
- bond of—Comptroller to
 examine and approve.
 Ords., Art. 23, Sec. 7, 921
- Comptroller to recover
 on bonds any shortage
 in accounts of clerks.
 Ords., Art. 23, Sec. 7, 921
- for the several markets.
 Ords., Art. 23, Sec. 6, 921
- duties of, to attend and
 have full charge of mar-
 kets.
 Ords., Art. 23, Sec. 1, 918
- police powers of.
 Ords., Art. 23, Sec. 1, 918
- salaries and special duties.
 Ords., Art. 23, Sec. 3,
 918-919
- bacon sellers and venders of
 puddings, when they may
 sell meat in.
 Ords., Art. 23, Sec. 29, 928
- wagons and carts prohibit-
 ed, penalty.
 Ords., Art. 23, Sec. 58, 937
- barrels or boxes in.
 Ords., Art. 23, Sec. 58, 937
- benches, etc., space beneath
 required, penalty.
 Ords., Art. 23, Sec. 50, 934
- butchers—vehicles of in mar-
 kets prohibited, penalty.
 Ords., Art. 23, Sec. 60, 937

MARKETS.—(Cont'd).

- stalls shambles, and
 benches to be kept with-
 in.
 Ords., Art. 23, Sec. 48, 933
- division line between.
 Ords., Art. 23, Sec. 47, 933
- hanging meat etc., pen-
 alty.
 Ords., Art. 23, Sec. 47, 933
- nuisances in vicinity.
 Ords., Art. 23, Sec. 48, 933
- renting when unoccupied.
 Ords., Art. 23, Sec. 108, 950
- restrictions relating to
 use of.
 Ords., Art. 23, Sec. 48, 933
- butter standard pound, pen-
 alty.
 Acts, Sec. 706.....430
- carriages, carts, wheelbar-
 rows, etc., in, prohibited,
 penalty.
 Ords., Art. 23, Sec. 32, 929
- cheese, stalls for, sale of.
 Ords., Art. 23 Sec. 111, 951
- cleaners of markets, salaries
 and duties.
 Ords., Art. 23, Sec. 22,
 918-919
- market days:
 Belair Market,
 Centre Market,
 Cross Street Market,
 Fells Point Market,
 Hanover Market,
 Hollins Market,
 Lafayette Market,
 Lexington Market,
 Richmond Market.
 Ords., Art. 23, Sec. 112 952
- market houses:
 Belair Market,
 Centre Market,
 Cross Street Market,
 Fells Point Market,
 Hanover Market.
 Hollins Market,
 Lafayette Market,
 Lexington Market,
 Richmond Market.
 Ords., Art. 23, Sec. 113
 952-3

MARKETS.—(Cont'd).

Page

Clerks of,

- arbitrator of disputes arising in markets.
 - Ords., Art. 23, Sec. 3..... 919
- bond required; approval, penalty and condition of.
 - Ords., Art. 23, Sec. 5..... 920, 921
- butter and lard to be weighed by; seizure and disposal of same when under weight.
 - Ords., Art. 23, Sec. 3..... 919
- notice on unrented stalls; contents of notice.
 - Ords., Art. 23, Sec. 12.... 922
- resisting or obstructing; penalty for.
 - Ords., Art. 23, Sec. 10.... 922
- scales and measures to be tested by — confiscation and penalty for false weights and measures.
 - Ords., Art. 23, Sec. 3..... 919, 920
- short weights and fraudulent weighing to be prevented by.
 - Ords., Art. 23, Sec. 3..... 919, 920
- sweeping and cleaning of markets by—when work shall be done.
 - Ords., Art. 23, Sec. 4..... 920
- unwholesome provisions; sale to be prevented by.
 - Ords., Art. 23, Sec. 3..... 919

Condemnation of Land for,

- Acts, Sec. 6..... 62
- clerk of Superior Court, duties in.
 - Acts, Sec. 715..... 432-33
- costs in court.
 - Acts, Sec. 715..... 432-3
 - “ “ 719..... 433-4
- costs of condemnation.
 - Acts, Sec. 6..... 62
- damages assessed.
 - Acts, Sec. 714..... 432
- duty of jury.
 - Acts, Sec. 714..... 432
- infant, *feme covert* or lunatic owners.
 - Acts, Sec. 710..... 431
- inquisition in writing.
 - Acts, Sec. 715..... 432

MARKETS.—(Cont'd).

Page

Condemnation of Land.—(Cont'd).

- inquisition voided by court.
 - Acts, Sec. 716..... 433
- jurors, failure to appear.
 - Acts, Sec. 718..... 433
- jurors, oath of.
 - Acts, Sec. 713..... 432
- jurors, per diem of.
 - Acts, Sec. 719..... 433-4
- jurors, striking off.
 - Acts, Sec. 712..... 432
- jury, assessing damages.
 - Acts, Sec. 714..... 432
- land taken, valuation of.
 - Acts, Sec. 717..... 433
- non-resident owners, notice to.
 - Acts, Sec. 711..... 431-2
- notice to owners.
 - Acts, Secs. 709-10-11.... 431-2
- oath to jurors.
 - Acts, Sec. 713..... 432
- publication of notice to owners.
 - Acts, Sec. 711..... 431-2
- record of inquisition in Superior Court.
 - Acts, Sec. 715..... 433
- Sheriff's fees and per diem.
 - Acts, Sec. 719..... 433
- Sheriff to summon 20 freeholders.
 - Acts, Sec. 709..... 431
- striking off jurors.
 - Acts, Sec. 712..... 432
- title, when to vest in city.
 - Acts, Sec. 717..... 433
- valuation of property.
 - Acts, Sec. 717..... 433
- warrant to Sheriff.
 - Acts, Sec. 709..... 431

cooking in prohibited.

- Ords., Art. 23, Sec. 51.... 934-935

country produce, exempt from fees.

- Acts, Sec. 707..... 430

cows in prohibited, penalty.

- Ords., Art. 23, Sec. 33.... 929

crabs and fish. (See "Fish and Crabs" below.)**disorderly and idle persons in, prohibited; clerks to enforce penalties against.**

- Ords., Art. 23, Sec. 9..... 922

MARKETS.—(Cont'd).	Page
employes of markets—salaries of employes of the various markets. Ords., Art. 23, Sec. 2.....	918, 919
extension of. Acts, Sec. 6	62
farmers and manufacturers exempted as to sales of meal and flour from vehicles in markets. Ords., Art. 23, Sec. 24....	927
farmers selling produce in. Acts, Sec. 707-08	430-31
fees, illegal collection of, penalty. Acts, Sec. 708.....	430-31
finest and penalties—collection and accounting of. Ords., Art. 23, Sec. 115..	954
—for reselling in, recovery of. Acts, Sec. 705.....	429-30
fish—and crabs; sales from boats at wholesale at certain wharves permitted. Ords., Art. 23, Sec. 23....	927
—sale of at wholesale except in Centre market, forbidden; sales on streets near certain markets restricted; penalty. Ords., Art. 23, Sec. 23....	926, 927
—markets—clerks to clean; removal of filth, etc. Ords., Art. 23, Sec. 4.....	920
—stalls for in Lexington, Hanover and Fells Point markets. Ords., Art. 23, Sec. 111..	951
footways in between wagons to be kept open. Ords., Art. 23, Sec. 61....	937-938
—obstruction of prohibited. Ords., Art. 23, Secs. 62-75-78-86-90-93-97-106-109-110....pp., 938, 942, 945, 946, 948, 950 and 951.	
fruit and vegetables; when stalls may be used. Ords., Art. 23, Sec. 52....	935

MARKETS.—(Cont'd).	Page
game and fish laws to be posted in, penalty for defacing. Ords., Art. 23, Sec. 42....	931
general powers. Acts, Sec. 6.....	61
growers of produce exempt from fees. Acts, Sec. 707.....	430
halls over, not to be rented for balls and soirees. Ords., Art. 23, Sec. 11....	922
horses, carriages and wagons during market hours—proviso; penalty. Ords., Art. 23, Secs. 32, 57.....	929, 936
—position of. Ords., Art. 23, Sec. 59....	937
impediments forbidden in Lexington, Hanover, Fells Point and Bel Air markets. Ords., Art. 23, Secs. 109-110.....	951
Inspector of Buildings, annual inspection and report by Ords., Art. 3, Sec. 9.....	603
land for, purchase of. Acts, Sec. 709.....	431
levy and collection of costs, damages and expenses in condemnation proceedings. Acts, Sec. 6.....	62
license and market detective. Ords., Art. 6, Sec. 18....	704
Licenses and Rents,	
—Belair market. Ords., Art. 23, Sec. 63..	939
—Broadway market space, stalls in. Ords., Art. 23, Sec. 69....	940
—certificate of licenses to be issued by clerk; contents of; terms of. Ords., Art. 23, Sec. 17....	923-924
—certificates to be transferable; evidence of title. Ords., Art. 23, Sec. 17....	924
—charge for licenses. Ords., Art. 23, Sec. 17....	924

MARKETS.—(Cont'd).**Licenses and Rents,**—(Cont'd).

- clerk to collect per diem from dealers.
Ords., Art. 23, Sec. 16.... 923
- delinquent licensee to be dispossessed.
Ords., Art. 23, Sec. 19.... 925
- failure to take out licenses; penalty.
Ords., Art. 23, Sec. 18.... 924
- meal and flour—license required for sales from vehicles; license fee; restrictions; penalty.
Ords., Art. 23, Sec. 24.... 927
- Northeast market corner stalls.
Ords., Art. 23, Sec. 105.. 950
- record of by Comptroller.
Ords., Art. 23, Sec. 17.... 924
- rent of stalls, clerk to fix.
Ords., Art. 23, Sec. 13.... 922
- sale of stall on default in renewal of license or payment of rent.
Ords., Art. 23, Sec. 20.... 925

licensee must consent to use of vacant stalls.

Ords., Art. 23, Sec. 22.... 926

manufacturers exempt from fees.

Acts, Sec. 707 430

market-days; Beair, Centre, Cross Street, Fells Point, Hanover, Hollins, Lafayette, Lexington and Richmond markets.

Ords., Art. 23, Sec. 112.. 952

market houses; Bel Air, Centre, Cross Street, Fells Point, Hanover, Hollins, Lafayette, Lexington and Richmond markets.

Ords., Art. 23, Sec. 113.. 952-953

—climbing or walking on roofs of, prohibited.

Ords., Art. 23, Sec. 28.... 928

—penalty for defacing or throwing or placing anything on roofs thereof.

Ords., Art. 23, Sec. 28.... 928

meal and flour.—license for sale of required; license fee; provisos restricting sales; penalty.

Ords., Art. 23, Sec. 24.... 927

Page

MARKETS.—(Cont'd).

- meats and provisions**—no sales except from regularly licensed butchers' stalls inside of markets; proviso relating to farmers, bacon sellers and venders of puddings.
Ords., Art. 23, Sec. 29.... 928
- in extended sheds; penalty.
Ords., Art. 23, Sec. 48..933-4
- movable stalls and fixed benches**; Mayor may direct same to be erected.
Ords., Art. 23, Sec. 14.... 923
- penalty for injury to.
Ords., Art. 23, Sec. 14.... 923
- per diem of ten cents** to be collected by clerk from dealers in.
Ords., Art. 23, Sec. 16.... 923
- nuisances** in, butchers to remove offal.
Ords., Art. 23, Sec. 48.... 933
- obstruction of**, by butchers, prohibited.
Ords., Art. 23, Sec. 48.... 933
- offal**, removal by street cleaners Sunday morning.
Ords., Art. 36, Sec. 18....1147
- painting** woodwork, prohibited; proviso.
Ords., Art. 23, Sec. 53.... 935
- penalty for offenses** against market regulations.
Ords., Art. 23, Sec. 115.. 954
- unauthorized painting.**
Ords., Art. 23, Sec. 54.... 935
- plats of.**—for use of clerks; data to be shown on plats.
Ords., Art. 23, Sec. 25.... 927
- police** to attend and preserve order therein.
Ords., Art. 23, Sec. 26..927-8
- provisions and vegetables**; arrangement of under sheds.
Ords., Art. 23, Sec. 48..933-4
- regulations for**, penalty for violation.
Ords., Art. 23, Sec. 115.. 954
- rentals for space stalls.**
Ords., Art. 23, Sec. 69.... 940

MARKETS.—(Cont'd).

- rent of stalls; clerks to collect per diem rents; to account to Comptroller.
 Ords., Art. 23, Sec. 15... 923
- distress for.
 Acts, Sec. 6..... 62
- repairs to—clerks to make same on approval of Mayor.
 Ords., Art. 23, Sec. 8..... 921
- reselling goods in, unlawful, proviso.
 Acts, Sec. 704..... 429
- procedure in recovery of fines for.
 Acts, Sec. 705..... 429 30
- sale and lease of stalls.
 Acts, Sec. 6..... 62
- Sales in,**
- of calves under four weeks old, prohibited, penalty.
 Ords., Art. 23, Sec. 40.... 931
- cows and calves, charges on, where to sell, proviso.
 Ords., Art. 23, Sec. 39.... 931
- fish and cheese.
 Ords., Art. 23, Sec. 111.. 951
- crabs; restrictions; penalty.
 Ords., Art. 23, Sec. 23.. 926-7
- fresh meat at retail only at butchers' stalls, penalty.
 Ords., Art. 23, Sec. 35.... 930
- goods on footways, prohibited, permit, penalty.
 Ords., Art. 23, Sec. 37.... 930
- goods and merchandise, furniture, etc., prohibited, penalty.
 Ords., Art. 23, Sec. 41.... 931
- merchandise, clothing, etc., prohibited, penalty, proviso as to household manufacture.
 Ords., Art. 23, Sec. 34.. 929-30
- provisions sold by weight, penalty for false weights.
 Ords., Art. 23, Sec. 31.... 929
- unsound meat, penalty.
 Ords., Art. 23, Sec. 30.... 929
- wines and liquors, forbidden, penalty.
 Ords., Art. 23, Sec. 36.... 930
- sales** of market stalls.
 Ords., Art. 23, Sec. 114.. 953

MARKETS.—(Cont'd).

- short weight butter, penalty.
 Acts, Sec. 706..... 430
- slaughtering beasts, depositing filth or offal in, prohibited.
 Ords., Art. 23, Sec. 32... 929
- speed of cars through regulated.
 Ords., Art. 30, Sec. 30.. 1026
- Stalls, Stands and Benches,**
- boarding—in; prohibited; penalty; proviso,
 Ords., Art. 23, Sec. 49.... 934
- butchers' stalls, construction of, to be raised above pavement, penalty.
 Ords., Art. 23, Sec. 46.. 932-3
- Comptroller to re-number; distinct number for each stall.
 Ords., Art. 23, Sec. 43.... 932
- numbers of street stalls to be cut in curbing.
 Ords., Art. 23, Sec. 44.... 932
- stalls, stands and benches; sales of stalls in certain markets.
 Ords., Art. 23, Sec. 114.. 953
- vacant stalls or benches may be occupied on payment of a per diem; proviso.
 Ords., Art. 23, Sec. 22.... 926
- wooden structures, permanent erection prohibited, penalty, provisos.
 Ords., Art. 23, Sec. 45.... 932
- swinging** signs forbidden; penalty.
 Ords., Art. 23, Sec. 55.... 935
- vacant stalls—clerks not to rent same to persons violating market regulations.
 Ords., Art. 23, Sec. 21.. 925-6
- not to be rented to persons who will not occupy them during term of renting.
 Ords., Art. 23, Sec. 21.... 926
- notice of sale of, to be given by clerk.
 Ords., Art. 23, Sec. 20.... 925
- to be disposed of at public sale.
 Ords., Art. 23, Sec. 20.... 925

MARKETS.—(Cont'd).

- vehicles or articles on streets in, during market hours.
- Ords., Art. 23, Sec. 58.. 936-7

Belair Market,

- bill posting, etc., prohibiting; penalty.
- Ords., Art. 23, Sec. 67.. 939-40
- butchers' stalls, rent of.
- Ords., Art. 23, Sec. 63.... 939
- defacing or mutilating property of; penalty.
- Ords., Art. 23, Sec. 62.... 938
- fish market houses; rents of stalls.
- Ords., Art. 23, Sec. 63.... 939
- footways, etc., in.
- Ords., Art. 23, Sec. 62.... 938
- interference or obstruction with collector or cleaner.
- Ords., Art. 23, Sec. 66.... 939
- limits of defined; provision relating to footways.
- Ords., Art. 23, Sec. 62.... 938
- permanent lines for produce venders.
- Ords., Art. 23, Sec. 64.... 939
- wagons in market space; position for sales from.
- Ords., Art. 23, Sec. 68.... 940

Broadway Market,

- hammering nails in prohibited.
- Ords., Art. 23, Sec. 65.. 939

Canton Market,

- butchers' permanent and eave stalls, rents of.
- Ords., Art. 23, Sec. 71..... 940-941
- sale of.
- Ords., Art. 23, Sec. 70.. 940
- lines of defined.
- Ords., Art. 23, Sec. 72.... 941

Centre Market,

- lines of defined.
- Ords., Art. 23, Sec. 74.. 941
- to be part of market house system.
- Ords., Art. 23, Sec. 73.. 941

Cross Street Market,

- butchers' stalls, rent of.
- Ords., Art. 23, Sec. 77.. 942

MARKETS.—(Cont'd).

- hall of.
- Ords., Art. 23, Sec. 76.. 942
- limits of defined; proviso relating to footways.
- Ords., Art. 23, Sec. 75.. 942

Fells Point Market,

- country produce; license for.
- Ords., Art. 23, Sec. 84.... 944
- country produce, limits of wholesale market for; proviso.
- Ords., Art. 23, Sec. 83..... 943-944
- fish, sales of.
- Ords., Art. 23, Sec. 82.. 943
- limits of defined.
- Ords., Art. 23, Sec. 78.. 942
- sales from stalls in.
- Ords., Art. 23, Sec. 79.. 943
- of produce; penalty.
- Ords., Art. 23, Sec. 85.. 944
- stalls and benches in, rents of.
- Ords., Art. 23, Sec. 81.. 943
- or stands in; regulations for.
- Ords., Art. 23, Sec. 80.. 943
- vehicles in.
- Ords., Art. 23, Sec. 84.. 944
- water in reservoir not to be drawn for shipping purposes; penalty.
- Ords., Art. 23, Sec. 27.. 928

Hanover Market,

- hucksters of butter, eggs or poultry.
- Ords., Art. 23, Sec. 88.. 945
- limits of defined; proviso.
- Ords., Art. 23, Sec. 86..... 944-945
- stalls and benches, rent of.
- Ords., Art. 23, Sec. 87.. 945
- vehicles, limits of.
- Ords., Art. 23, Sec. 89.. 945

Hollins Market,

- butchers' stalls, rent of.
- Ords., Art. 23, Sec. 92.. 946
- limits of defined; proviso relating to footways.
- Ords., Art. 23, Sec. 90..... 945-946
- vehicles within market limits.
- Ords., Art. 23, Sec. 91.. 946

MARKETS.—(Cont'd).**Lafayette Market,**

- clerk of market, powers and duties.
Ords., Art. 23, Sec. 94.. 947
- limits of defined; proviso relating to footways and stalls.
Ords., Art. 23, Sec. 93.. 946
- ordinance regulations relating to.
Ords., Art. 23, Sec. 95.. 947
- temporary side shelter.
Ords., Art. 23, Sec. 96.. 947

Lexington Market,

- fish market; rent of stalls in.
Ords., Art. 23, Sec. 98.. 948
- florists: stalls of.
Ords., Art. 23, Sec. 97.. 948
- limits of defined; proviso relating to footways.
Ords., Art. 23, Sec. 97
..... 947-948
- meats and cooked provisions; sale of, restricted in.
Ords., Art. 23, Sec. 22.. 926
- Pearl and Pine streets obstructions of, by wagons; penalty.
Ords., Art. 23, Sec. 97.. 948
- space, stalls in market house; rent of.
Ords., Art. 23, Sec. 99.. 948
- stalls, benches, etc., rents of.
Ords., Art. 23, Sec. 98.. 948

Northeast Market,

- licenses for corner stalls.
Ords., Art. 23, Sec. 105 950
- limits of defined.
Ords., Art. 23, Sec. 104
949-950
- market days.
Ords., Art. 23, Sec. 104 950
- sale of stalls.
Ords., Art. 23, Sec. 100 949
- stalls in, rent of.
Ords., Art. 23, Sec. 101 949
- in south shed; rent of.
Ords., Art. 23, Sec. 102 949
- under sheds; rent of.
Ords., Art. 23, Sec. 103 949

MARKETS.—(Cont'd).**Richmond Market,**

- butchers' stalls, rent of.
Ords., Art. 23, Sec. 107 950
- limits defined; proviso as to footways.
Ords., Art. 23, Sec. 106 950

MARKET STALLS,

- lease of; note.
Acts, Sec. 6..... 62

MARKING CASKS,

- See "Inspections, Weights and Measures."*

MARSHAL OF POLICE,

- See "Police Commissioners."*

- inspection of records of vendors of firearms; report by vendors.
Ords., Art. 25, Sec. 80.. 985

MARYLAND HISTORICAL SOCIETY,

- Art Commission—to appoint member of.
Acts, Sec. 201..... 207

MARYLAND HOSPITAL,

- curable lunatics from Bay View Asylum, transfer to.
Ords., Art. 16, Sec. 6.... 870

MARYLAND INSTITUTE,

- See "Schools."*
Ords., Art. 32, Secs.
28-311053-4

- Art Commission—to appoint member of.
Acts, Sec. 201..... 207

MARYLAND INSTITUTE FOR EDUCATION OF DEAF AND DUMB,

- certificate of instruction by President of.
Acts, Sec. 396..... 297
- fees for tuition of deaf and dumb.
Acts, Sec. 396..... 296
- instruction of deaf and dumb.
Acts, Sec. 396..... 295
- appropriation for.
Acts. Sec. 397..... 296

MATCHES, OPEN LAMPS, PIPES, ETC.

wharves and warehouses, pro-
hibited on.
Ords., Art. 11, Sec. 64. 757

MATERIALS FOR CITY,

See "*City Register*" and
"*Comptroller*."

memorandum orders required
for.
Ords., Art. 6, Sec. 33.... 710
note.....708-709

MATRONS AT STATION HOUSES,

See "*Police Commissioners*"
and "*Special Police Fund*."

MAYOR,

See "*Corporate Powers*."

absence or sickness of.
Acts, Sec. 19..... 101
—from duty—of office force
without Mayor's permis-
sion forbidden.
Ords., Art. 1, Sec. 11..... 575

aliens, to compound or remit
fines imposed.
Acts, Sec. 527..... 335
—report of by masters of
vessels arriving.
Acts, Sec. 519..... 333

annual report of, to City
Council.
Acts, Sec. 22..... 102

Annex Improvement Commis-
sion, member of.
Acts, Sec. §841b.....531-2

Appeal Tax Court, appoint-
ment of members of.
Acts, Sec. 146..... 170

appointees under Comptrol-
ler, approval of.
Acts, Sec. 34..... 111

appointment of—assistants.
Acts, Sec. 20..... 101
—minority members of
boards and commissions.
Acts, Sec. 30..... 107

MAYOR.—(Cont'd).

appropriation for hospitals for
infectious diseases. (See
"*Hospitals*" sub-title "*In-
fectious Diseases, Hospitals
for*.")

Art Commission—appoint-
ment.
Acts, Sec. 201..... 207
—to give advice as to designs
of public structures on
request of.
Acts, Sec. 203..... 207

assignment of leasehold prop-
erty to be executed by;
proviso.
Ords., Art. 1, Sec. 2..... 572

auditing of accounts of officers
of city.
Acts, Sec. 21..... 101

blasting in city, permit for.
Ords., Art. 11, Sec. 72.... 760

Board of Estimates, member
of.
Acts, Sec. 36..... 113

Board of Review and assess-
ment—Mayor to be member
of.
Acts, Sec. 145..... 170

Bonds,

—in appeals, etc., to be exe-
cuted by Mayor.

Ords., Art. 1, Sec. 1..... 571
—of Assistant Superintend-
ent of Lamps and Light-
ing.

Ords., Art. 20, Sec. 24.... 901
—of market clerks to be ap-
proved by.

Ords., Art. 23, Sec. 5..... 920
—to be approved by.
Acts, Sec. 20A..... 101

Buildings, Inspector of, ap-
pointment of.
Acts, Sec. 79..... 141

Burnt District Commission,
appointment of.
App. A, Sec. 1.....1234

charcoal, to designate, stands
for measurement of.
Ords., Art. 17, Sec. 25.... 884

	Page
MAYOR. —(Cont'd).	
checks to be countersigned by.	
Acts, Sec. 20A.....	101
chief executive, to be.	
Acts, Sec. 31.....	108
powers as.	
Acts, Sec. 21.....	101
City Collector—appointment of.	
Acts, Sec. 42.....	122
City Council, extra session of.	
Acts, Sec. 216.....	214
city property, transfer of by official vacating office, death in office.	
Ords., Art. 21, Sec. 3.....	905-06
City Register—audit of accounts of by.	
Ords., Art. 6, Sec. 23.....	706
city stock and obligations, to sign,	
Acts, Sec. 41.....	121
claims against United States; prosecution by.	
Ords., Art. 1, Sec. 5.....	573
clerk to—appointment; duties; salary.	
Ords., Art. 1, Sec. 7.....	573, 574
—term of employment.	
Ords., Art. 1, Sec. 10.....	574-5
Commissioners for Opening Streets, appointment by.	
Acts, Sec. 172.....	189
—appointment of temporary commissioners.	
Acts, Sec. 187.....	200
Commissioners of Finance, member of Board of.	
Acts, Sec. 41.....	121
Comptroller's subordinates, Mayor to approve.	
Acts, Sec. 34.....	111
conservator of the peace, power as.	
Acts, Sec. 21.....	101

	Page
MAYOR. —(Cont'd).	
contracts, approval of.	
Acts, Sec. 20A.....	101
—with Children's Playground Association; provisions of.	
Ords., Art. 14, Sec. 128.....	835, 836
death or resignation of.	
Acts, Sec. 18.....	100
Department of Legislative Reference, on Board of.	
Acts, Sec. 208A.....	210
Deputy Comptroller, to approve appointment of.	
Acts, Sec. 34.....	111
diplomas to graduates of City College; signature of.	
Ords., Art. 32, Sec. 11.....	1047
duties and powers.	
Acts, Sec. 22.....	102
election of.	
Acts, Sec. 16.....	100
Electrical Commission; member ex-officio.	
Ords., Art. 9, Sec. 1.....	718
finances—remission of by.	
Ords., Art. 10, Secs. 6, 7.....	730-731
—remitted by, list of to City Register, proviso as to costs.	
Ords., Art. 10, Sec. 6.....	730
Fire Inspector, appointment of.	
Ords., Art. 11, Sec. 40.....	750
gunpowder, search warrant when concealed.	
Ords., Art. 11, Sec. 83.....	765
Harbor Board, appointment.	
Acts, Sec. 88.....	147
heads of department to confer with.	
Acts, Sec. 24.....	104
hospitals for the sick, notice to owners to discontinue, penalty.	
Ords., Art. 16, Sec. 5.....	870

	Page
MAYOR. —(Cont'd).	
jail sentence for violation of ordinances, Mayor may remit fine.	
Ords., Art. 10, Sec. 7....	731
keepers of weights, etc., inspect records of.	
Ords., Art. 17, Sec. 20....	822
leases of city property, approval of.	
Ords., Art. 34, Sec. 12....	1080
—renewal leases to be executed by, proviso.	
Ords., Art. 1, Sec. 3....	572
Librarian, City, appointment.	
Acts, Sec. 196.....	203
messenger to, appointment of, duties, salary.	
Ords., Art. 1, Sec. 8....	574
term of employment.	
Ords., Art. 1, Sec. 10....	574
	575
McDonogh Institute, inspection of.	
Ords., Art. 22, Sec. 8....	911
Maryland Institute, appointment of, pupils to.	
Ords., Art. 32, Sec. 30....	1053
—contract with, for instruction of city pupils.	
Ords., Art. 32, Sec. 28....	1053
New Sewerage Commission, appointment of.	
Acts, Sec. §824a.....	507
notice to, of offences under health, etc., ordinances.	
Ords., Art. 36, Sec. 17....	1147
oath of office to be administered by.	
Acts, Sec. 25	106
obstructions in streets, suit for expenses of removal.	
Acts, Sec. 189.....	201
Ordinance of Estimates, to call special meeting of City Council.	
Acts, Sec. 36.....	115
Park Commissioners, Board of appointment.	
Acts, Sec. 90.....	148

MAYOR. —(Cont'd).	Page
Paving Commission, appointment, ex-officio member.	
Acts, Sec. §841k.....	535
permits—explosives, storing of.	
Ords., Art. 11, Sec. 71....	760
—for fireworks—	
Ords., Art. 11, Sec. 57....	756
—improved pavements, to tear up.	
Acts, Sec. 86C.....	146
—revocable by, notice required, penalty for failure to comply therewith.	
Ords., Art. 1, Sec. 13....	575
	576
—salt, use of in melting snow.	
Ords., Art. 25, Sec. 77..	984
—sheds—for storage and manufacturing purposes.	
Ords., Art. 3, Sec. 88....	630
—removal of, on notice from.	
Ords., Art. 3, Sec. 90....	631
—spark catchers, to approve notice to install.	
Ords., Art. 3, Sec. 86....	629
—steam, gas, etc., engines and machinery.	
Ords., Art. 3, Sec. 141....	653
—revocation of permit for, approval.	
Ords., Art. 3, Sec. 142	654
persons to aid him, appointment of.	
Acts, Sec. 20.....	101
power of appointment to office.	
Acts, Sec. 25.....	104
Pratt Free Library, visitor to.	
Acts, Sec. 789.....	487
President First Branch City Council, when to act as.	
Acts, Sec. 217.....	215
—Second Branch City Council, misdemeanor in office, duty of Mayor.	
Acts, Sec. 214	214
primary election for.	
App. C, Sec. 2.....	1275-1276
property donated for street beds, duty in relation to.	
Acts, Sec. 193.....	202

	Page
MAYOR. —(Cont'd).	
qualifications of.	
Acts, Sec. 16.....	100
recovery of monies due city, from Justices of the Peace.	
Ords., Art. 10, Sec. 1....	729
removal from office, power of Mayor.	
Acts, Sec. 25.....	104
reports of heads of depart- ments to.	
Acts, Sec. 24.....	104
reward—for discovery and arrest of certain persons charged with crimes.	
Ords., Art. 1, Sec. 12....	575
—for incendiaries, payment of.	
Ords., Art. 11, Sec. 42,..	751
salary of.	
Acts, Sec. 20.....	101
secretary to—appointment, duties, office hours, salary.	
Ords., Art. 1, Sec. 6.....	573
stenographer to, appointment of, duties, salary.	
Ords., Art. 1, Sec. 9.....	574
term of employment.	
Ords., Art. 1, Sec. 10....	574
.....	575
Superintendent of Lamps and Lighting, appointment.	
Acts, Sec. 204.....	208
Supervisors of City Charities, Board of, appointment.	
Acts, Sec. 104.....	156
Surveyor, vacancy in office of.	
Acts, Sec. 205.....	209
term of office.	
Acts, Sec. 20.....	101
test book, to be kept by.	
Acts, Sec. 25.....	106
to supervise city's affairs.	
Acts, Sec. 22.....	102
Topographical Survey Com- mission, member of.	
Acts, Sec. 840.....	529

	Page
MAYOR. —(Cont'd).	
unsafe, etc., buildings, to authorize emergency action on.	
Ords., Art. 3, Sec. 153....	658
vehicle license, revocation for violating speed regula- tions.	
Ords., Art. 41, Sec. 74..	1223
Visitors of the Jail, appoint- ment, President, Secretary.	
Acts, Sec. 118.....	162
Water Board, appointment of by Mayor.	
Acts, Sec. 87.....	146
when to enter office.	
Acts, Sec. 16-20.....	100-101
vacancies, procedure in filling.	
Acts, Sec. 25.....	106
—when to be filled by Mayor.	
Acts, Sec. 25.....	106

MAYOR AND CITY COUN- CIL OF BALTIMORE,

See "Corporate Powers;"
"Police Commissioners"
and "Powers."

general powers.	
Acts, Sec. 6.....	45-94
turnpikes in Annex, may con- demn or purchase same.	

MAYOR'S CLERK,

See "Mayor."

MAYOR'S CLERK, ETC.,

absence from duty, Mayor to approve.	
Ords., Art. 1, Sec. 11.....	575
general duties and salary.	
Ords., Art. 1, Sec. 7.....	574
term of employment.	
Ords., Art. 1, Sec. 10.....	574, 575

MAYOR'S MESSAGE AND DEPARTMENT REPORTS,

See "Public Printer."

printing and binding, prices.	
Ords., Art. 29, Secs. 11-15	
.....	1011-12

	Page
MAYOR'S MESSENGER,	
<i>See "Mayor."</i>	
duties and salary.	
Art. 1, Sec. 8.....	574
term of empolymment.	
Art. 1, Sec. 10.....	574, 575
MAYOR'S OFFICE,	
vacancy in.	
Acts, Sec. 18.....	100
MAYOR'S SECRETARY,	
<i>See "Mayor."</i>	
office hours and salary.	
Art. 1, Sec. 6.....	573
MAYOR'S STENOGRAPHER,	
duties and salary.	
Art. 1, Sec. 9.....	574
term of employment.	
Art. 1, Sec. 10.....	574, 575
MEASUREMENT OF CHAR-	
COAL,	
<i>See "Inspections, Weights</i>	
<i>and Measures" and "Char-</i>	
<i>coal."</i>	
MEAL AND FLOUR,	
<i>See "Markets."</i>	
Ords., Art. 23, Sec. 24....	927
MEASUREMENT OF	
WATER,	
<i>See "Collector of Water Rents</i>	
<i>and Licenses."</i>	
meters for, to be furnished by	
Water Department.	
Ords., Art. 41, Sec. 64....	1220
MEASUREMENT OF WOOD,	
<i>See "Wood."</i>	
MEASURER OF WOOD—	
CARTS,	
<i>See "Wood."</i>	
MEAT,	
markets—sales at retail only	
at butchers' stalls.	
Ords., Art. 23, Sec. 35....	930

	Page
MEAT.—(Cont'd).	
—sale of unsound and un-	
wholesome in, forbidden.	
Ords., Art. 23, Sec. 30....	929
—unauthorized persons not	
to sell in.	
Ords., Art. 23, Sec. 29....	928
MEDICAL ATTENTION,	
<i>See "Jail."</i>	
prisoners in jail, when ill.	
Acts, Sec. 121.....	163
MEDICAL EXAMINER,	
<i>See "Health."</i>	
Ords., Art. 14, Sec. 3.....	797
Health, Commissioner of, to	
appoint.	
Acts, Sec. 71.....	138
MEDICO—LEGAL INQUIR-	
IES,	
<i>See "Health."</i>	
Medical and Assistant Medi-	
cal Examiner to make.	
Ords., Art. 14, Sec. 3.....	797
MEETINGS of,	
Board of Estimates.	
Acts, Sec. 36.....	113
City Council. (<i>See "City Coun-</i>	
<i>cil."</i>)	
MEMBERS OF CITY COUN-	
CIL,	
<i>See "City Council."</i>	
MEMORANDA OF MATERI-	
ALS AND WORK FOR	
CITY,	
<i>See "Comptroller."</i>	
inspection of.	
Ords., Art. 6, Sec. 33.....	710
and note.....	708, 709
MEMORIAL DAY,	
flags on schools at half-mast.	
Ords., Art. 32, Sec. 7.....	1046
public buildings, flags on at	
half-mast.	
Ords., Art. 27, Sec. 6.....	1006

MERCHANDISE AND CLOTHING,

markets, sales in unlawful,
penalty, proviso.

Ords., Art. 23. Sec. 34..... 929-30

MERCHANDISE BROKERS,

See "Licenses."

license for.
Acts, Sec. 694..... 424

MERCHANDISE LICENSES,

See "Licenses."

issue of to poor women, fee,
etc.
Ords., Art. 41, Sec. 85.....1228

MERCHANDISE ON WHARVES,

removal and sale of.
Ords., Art. 13, Sec. 13..... 777

MERCHANTS AND MANUFACTURERS ASSOCIATION OF BALTIMORE CITY,

Department of Legislative
Reference, President of, on
Board of.
Acts, Sec. 208A..... 210

MERIT SYSTEM ON PUBLIC WORKS,

Paving Commission, to adopt.
Acts, Sec. §841o..... 541

MESSENGER TO MAYOR,

See "Mayor."

METERS,

See "Gas Meters;" "Inspections, Weights and Measures;" "Lamps and Lighting" and "Water Rents."
gas—in public buildings.

Ords., Art. 20, Sec. 4..... 894

—inspection of.

Ords., Art. 20, Secs. 6-14
.....895-898

water—buildings other than
dwellings, rates to.

Ords., Art. 41, Sec. 68.....1221

—stables, installation in.

Ords., Art. 41, Sec. 54.....1218

MIDWIFERY,

See "Health."

Ords., Art. 14, Sec. 188.. 862

MIDWIVES,

license of, for care of infants.
Acts, Sec. §493f..... 323

penalty for caring for infants
without license.
Acts, Sec. §493i..... 324

MILITIA,

command of when called out
by Police Commissioners or
Sheriff.
Acts, Sec. 769.....472

MILITIA EXEMPT FROM JURY DUTY,

See "Jurors."
Acts, Sec. 622.....374

MILK,

See "Health."

adulteration of, penalty.
Ords., Art. 14, Sec. 56, 812

care of milk in dairies.
Ords. Art. 14, Sec. 50,
.....810-811

diseased cows—sale of milk
of prohibited, penalty.
Ords., Art. 14, Sec. 56, 812

handling of in dairies.
Ords., Art. 14, Sec. 54, 812

Inspectors of.
Acts, Sec. 74.....139

receptacles for.
Ords., Art. 14, Sec. 50, 810

sale regulated.
Acts, Sec. 6.....55

—storage and distribution of.
Ords., Art. 14, Sec. 53,
.....811-812

Skim-milk and buttermilk to
be sold as such.
Ords., Art. 14, Sec. 59, 84

standard qualities of, defined.
Ords., Art. 14, Sec. 59, 813

vessels for.
Ords., Art. 14, Sec. 50, 811

	Page
MINORS,	
commitment of by magistrate for Juvenile Causes.	
Acts, Sec. 623A.....	375
temporary detention and trial of by Magistrate for Juvenile Causes.	
Acts, Sec. 623A.....	375
MINOR PRIVILEGES IN STREETS,	
<i>See "Board of Estimates."</i>	
certain privileges, prohibited.	
Acts, Sec. 8.....	95
MINORITY REPRESENTATION,	
in Departments, Boards and Commissions.	
Acts, Sec. 30.....	107
MINORS,	
billiards and bowling, not to play, penalty.	
Ords., Art. 25, Secs. 2-4,	961-962
custodians to prevent begging by.	
Acts, 882.....	559
jumping on and off cars by, forbidden, penalty.	
Ords., Art. 30, Sec. 10, 1018	
newspaper selling by permitted.	
Acts, 883.....	560
not permitted in saloons or dance halls without parents or guardians.	
Acts, 881.....	558
pretending parents liable to fine.	
Acts, 884.....	560
MINORS AND CHILDREN,	
sales by, (<i>See "Larceny."</i>)	
MINORS, SALE OF LIQUOR TO,	
<i>See "Liquor Licenses."</i>	
MINUTES OF POLICE COMMISSIONERS,	
<i>See "Police Commissioners."</i>	

MISCELLANEOUS PRINTING,	Page
<i>See "Public printer."</i>	
specifications and prices.	
Ords., Art. 29, Sec. 16, 1012	
MISCELLANEOUS USES OF WATER,	
<i>See "Water Rents."</i>	
rates for Water Board to fix.	
Ords., Art. 41, Sec. 68, 1221	
MISSILES,	
throwing in city unlawful, penalty.	
Ords., Art. 25, Sec. 87, 987	
MISUSE OF LICENSES,	
<i>See "Licenses."</i>	
penalty for, in certain cases.	
Ords., Art. 41, Secs. 81-85	1226-1228
MONEYS OF CITY,	
<i>See "City Register" and "Stocks, Loans and Finance."</i>	
interest on deposits of in Banks.	
Ords., Art. 6, Sec. 23,	705-706
MONEYS OF SPECIAL POLICE FUND,	
<i>See "Special Police Fund."</i>	
MONUMENTS,	
Washington and Battle, injury to, penalty.	
Ords., Art. 25, Sec. 61, 977	
MONUMENTS AND MEMORIALS,	
Art Commission to approve.	
Acts, Sec. 202.....	207
MOTIONS IN ARREST OF JUDGMENT,	
<i>See "Courts."</i>	
Acts, Sec. 300.....	261

	Page
MOORE, JAMES M.,	
pension of, as retired policeman to be paid out of special fund.	
Acts, Sec. 780.....	483
MORGUE,	
<i>See "Health."</i>	
Ords., Art. 14, Sec. 78, 820	
MORTGAGES,	
allegations against sale.	
Acts, Sec. 724.....	436
assent to decree of sale.	
Acts, Sec. 720.....	434
assignment of decree by docket entry.	
Acts, Sec. 727.....	437
conveyance of interest by docket entries.	
Acts, Sec. 727.....	437
copy filed with application for decrees.	
Acts, Sec. 726.....	436-437
—decree—default before not to affect right to.	
Acts, Sec. 731.....	439
—in personam when proceeds insufficient.	
Acts, Sec. §731a.....	440
default before decree, duty of Court.	
Acts, Sec. 731.....	439
distribution of proceeds of sales.	
Acts, Sec. 729.....	437-438
docket entries and record, copy of mortgage filed, fees.	
Acts, Sec. 726.....	436-437
execution on decree <i>in personam</i> against mortgagor.	
Acts, Sec. §731a.....	441
notice of sales under general law, publication of.	
Acts, Sec. 730.....	438
order of assignment to be in writing.	
Acts, Sec. 727.....	437

	Page
MORTGAGES.—(Cont'd).	
priority as liens according to time of entry on docket.	
Acts, Sec. 727.....	437
record of order of satisfaction.	
Acts, Sec. 728.....	437
release by docket entry of satisfaction of decrees.	
Acts, Sec. 728.....	437
report of sales by trustees.	
Acts, Sec. 723.....	436
sale—decree of, terms of.	
Acts, Sec. 720.....	434
—procedure in, by trustee.	
Acts, Sec. 721.....	435
—under general law, publication of notice of.	
Acts, Sec. 730.....	438
—validity of, under assent of mortgagor.	
Acts, Sec. 722.....	435
—voiding, assessing costs when voided.	
Acts, Sec. 725.....	436
satisfaction of decree, order of, in writing.	
Acts, Sec. 728.....	437
trustees—appointment of new.	
Acts, Sec. 729.....	437-438
—for making sales, bond of.	
Acts, Sec. 720.....	434
—in sales where default before decree occurs.	
Acts, Sec. 731.....	439
MOUNT ROYAL TERRACE,	
sale of liquors, prohibited.	
Acts, Sec. 666.....	407
MOUNT VERNON FACTORIES,	
sale of liquors at, prohibited.	
Acts, Sec. 664.....	406
MOUNT VERNON PLACE,	
<i>See "Parks and Squares."</i>	
porticos—construction of, in.	
Ords., Art. 24, Sec. 2....	955
MOVABLE STALLS,	
<i>See "Markets."</i>	
Ords., Art. 23, Sec. 14....	923

MOVEMENT OF CARS, Page

See "Railroads and Railways."

cars to be moved in streets by authorized persons only; penalty.

Ords., Art. 30, Sec. 2.....1016

MOVEMENT OF CARS IN STREETS,

moving cars down grade; proviso; penalty.

Ords., Art. 30, Sec. 9.....1018

MULBERRY STREET,

cattle, driving through unlawful.

Ords., Art. 25, Sec. 31.....968-9

MUNICIPAL ART SOCIETY,

Department of Legislative reference, president of, on board of.

Acts, Sec. 208A..... 210

MUNICIPAL HOLIDAYS,

See "Holidays."

Ords., Art. 15, Secs. 1-3, 867-8

MUNICIPAL HOSPITAL FOR INFECTIOUS DISEASES,

See "Health" and "Hospitals."

Ords., Art. 14, Sec. 10.... 799

MUNICIPAL, LIGHTING PLANT,

See "Stocks, Loans and Finance."

Acts, Sec. §826b 520

MUNICIPAL CONTRACTS,

See "Contracts."

MUNICIPAL CONTROL OF GRANTS AND FRANCHISES,

Acts, Sec. 11..... 97

MUNICIPAL ELECTIONS,

See "Primary Elections."

supplementary registration for.

Acts, Sec. 17..... 100

MUNICIPAL FRANCHISES, Page

See "Franchises."

MUNICIPAL OFFICIALS,

See "Appointments to Office;"

"Bonds;" "City Council;"

"Heads of Departments;"

"Mayor" and "Salaries."

annual reports of.—when to be made.

Ords., Art. 1, Sec. 36.... 582

bonds of, note and cases.

Acts, Sec. 31..... 108

bond required of.

Acts, Sec. 31..... 108

Burnt District Commission; not eligible on

App. A, Sec. 1.....1234

City Librarian.

Acts, Sec. 196..... 203

city contracts, debts or claims; officials not to be interested in; penalty.

Ords., Art. 1, Sec. 37.....582-83

City Solicitor.

Acts, Sec. 60-67.....133-36

—assistants of.

Acts, Sec. 62..... 134

Deputy City Solicitor.

Acts, Sec. 62.....133-4

extra compensation forbidden; when allowed.

Ords., Art. 1, Sec. 40.... 584

new Sewerage Commission— not eligible to appointment to.

Acts, Sec. §824a..... 507

not to hold more than one office.

Acts, Sec. 26..... 107

power to appoint subordinates.

Acts, Sec. 28..... 107

—pass rule and regulations.

Acts, Sec. 31..... 108

records of official acts.

Acts, Sec. 31..... 108

registered voters, to be.

Acts, Sec. 26..... 107

	Page
MUNICIPAL OFFICIALS. —(Cont'd).	
tenure of office.	
Acts, Sec. 27.....	107
term of office of.	
Acts, Sec. 25.....	105
when to enter office.	
Acts, Sec. 25.....	105
MUNICIPAL POWERS,	
<i>See "Corporate Powers."</i>	
MUNICIPAL SALARIES,	
<i>See "Salaries."</i>	
when to be paid.	
Ords., Art. 1, Sec. 42.....	584-85
MUNICIPAL TELEPHONE EXCHANGE,	
<i>See "Fire Department "</i>	
Ords., Art. 11, Sec. 44....	752
MUNICIPAL SUBWAYS AND CONDUITS,	
<i>See "Electrical Commission and Subways."</i>	
MUSEUMS OF ANATOMY,	
display or exposure of any part of on streets, penalty.	
Ords., Art. 25, Sec. 62.....	977-8
MUSICAL PARTIES,	
licenses for, when admission fee is charged.	
Ords., Art. 41, Sec. 13....	1200
NAME,	
corporate name.	
Acts, Sec. 1.....	41
NAMES OF STREETS,	
lamps on corners to bear.	
Ords., Art. 20, Secs. 17, 18	899
revision and change of.	
Ords., Art. 35, Secs. 102, 103	1131
NAMES ON BALLOTS,	
<i>See "Primary Elections."</i>	
App. C, Sec. 1.....	1273

NAPHTHA, BENZINE AND GASOLINE,	Page
<i>See "Fire Regulations."</i>	
Quantity to be kept on hand.	
Ords., Art. 11, Sec. 74....	762
NARROW STREETS,	
vehicles in.	
Ords., Art. 4, Sec. 2.....	682
NATURALIZATION CASES,	
rules governing same.	
Acts, Sec. 321A.....	272-73
sittings of court in.	
Acts, Sec. 321.....	272
two judges to hear and determine.	
Acts, Sec. 321.....	272
NAVAL STORES,	
regulation of storage of.	
Acts, Sec. 6.....	50
NAVIGATION OF JONES' FALLS.	
rules, penalties.	
Ords., Art. 18, Secs. 4-5,	889-890
NEW AND MISSED PROPERTY,	
<i>See "Assessments" and "Appeal Tax Court."</i>	
Acts, Secs. 169, 171....	184, 188
NEW BUILDINGS,	
<i>See "Water Rents."</i>	
completion of, to be reported.	
Ords., Art. 40, Sec. 7.....	1179-80
NEW IMPROVEMENTS,	
<i>See "Appeal Tax Court" and "Taxes."</i>	
assessment of for taxes.	
Ords., Art. 38, Sec. 10....	1159
estimates for.—	
Acts, Sec. 36	114
NEW LAMPS AND LAMP PILLARS,	
<i>See "Lamps and Lighting."</i>	
Superintendent of Lamps and Lighting to erect.	
Ords., Art. 20, Sec. 3.....	894

NEW RESIDENTS.	1508	NON-JURY TRIALS.	Page
NEW RESIDENTS,	Page	NEWSPAPER REPRESENTATIVES. —(Cont'd).	
<i>See "Appeal Tax Court."</i>		fraudulent use of badge,	
assessment of, property of.		penalty.	
Acts, Sec. 158.....	179	Ords., Art. 25, Sec. 65....	978
NEW SEWERAGE—		Journalists' Club to issue	
act (<i>See "Sewers."</i>)		badges to.	
Acts, Sec. §824a-§824h		Ords., Art. 25, Sec. 63....	978
inclusive,.....	507-17		
loan (<i>See "Sewers."</i>)		NIGHT SOIL,	
Acts, Sec. §824f.....	516	<i>See "Health."</i>	
system (<i>See "Sewers."</i>)		Ords., Art. 14, Sec. 146..	842
Acts, Sec. §824a-§824h,		bringing same within city pro-	
.....	507-517	hibited, penalty.	
system fund (<i>See "Sewers."</i>)		Ords., Art. 14, Sec. 147..	842
Acts, Sec. §824f.....	516	removal of, contract with	
NEW STATION HOUSES IN		R. R. Zell and Co.	
ANNEX,		Ords. Art. 14, Sec. 157..	845
acquisition of land for and		NIGHT STANDS FOR VEHICLES,	
erection of.		<i>See "Vehicles."</i>	
Acts, Secs. 786, 787, 788..	487		
NEW TRIALS,		NIGHT WATCHMEN,	
motions for.		appointment of.	
Acts, Sec. 300.....	261	Acts, Sec. 375.....	289
NEWLY ASSESSED PROP-		Acts, Sec. 377.....	289
ERTY,		duties of,	
<i>See "Appeal Tax Court."</i>		Acts, Secs. 375-377.....	289
Ords., Art. 38, Sec. 14,		salaries of,	
.....	1160-61	Acts, Secs. 376-378.....	289
NEWS BOYS,		in parks, police powers of.	
sale of newspapers on public		Acts, Sec. 98	151
conveyances authorized.		salaries of.	
Ords., Art. 4, Sec. 28....	690	Acts, Secs. 376, 378.....	289
NEWSPAPER PUBLICATIONS,		NOMINATIONS,	
bills for, to be certified by		under Primary Election Law.	
parties presenting same.		App. C, Sec. 1,	1270
Ords., Art. 1, Sec 28,		NOMINATIONS FOR POLICE,	
.....	579-580.	<i>See "Police Commissioners."</i>	
payment of city bills for print-		NOMINATIONS TO OFFICE,	
ing and publishing adver-		Second Branch to confirm.	
tisements.		Acts, Sec. 25.....	104
Ords., Art. 1, sec. 28....	579	NON-JURY TRIALS,	
NEWSPAPER REPRESENT-		note	274
TATIVES,			
badge, misuse of, revocation of.			
Ords., Art. 25, Sec. 64....	978		
counterfeiting or duplicating.			
penalty.			
Ords., Art. 25, Sec. 66....	979		

NON-RESIDENT OWNERS,

damages to in street openings,
Acts, Sec. 827 521

notice to, concerning nuisances.
Ords., Art. 14, Sec. 88.... 824

notice to, of assessments.
Ords., Art. 35, Sec. 88....1124

NON-RESIDENT PUPILS IN SCHOOLS,

See "Schools," sub-title "Tuition."
Ords., Art. 32, Secs. 33-341054-6

NON-RESIDENTS,

condemnation of property of, for public uses.
Ords., Art. 8, Sec. 1..... 712

shares of stock held by.
Acts, Sec. §155a..... 177

NORTH AVENUE,

See "Streets, Bridges and Highways."
Acts, Sec. 838.....527-8

NORTHEAST MARKET,

See "Northeast Market," sub-title "Markets."

proviso relating to.
Ord., Art. 23, Secs. 100-105.....949-950

NORTH STREET,

locomotives to be used on.
Ords., Art. 30, Sec. 13.....1019

NOTARIES PUBLIC,

additional appointment,
Acts, Sec. 733a..... 442

appointment generally.
Acts, Sec. 733..... 442

Baltimore city, additional for.
Acts, Sec. §733Aa..... 442

note, cases cited..... 442

qualifications of appointees.
Acts, Sec. 734 443

women notaries.
Acts, Sec. §733Aa..... 442
Acts, Sec. 734..... 443

NOTES OF COURT PROCEEDINGS,

court may order same taken by stenographer; when taxed as costs.
Acts, Sec. 380..... 290

NOTICE,

See "Advertisements;" "Appeal Tax Court;" "Assessments;" "Benefits;" "City Collector;" "Commissioner for Opening Streets;" "Condemnation of Property;" "Damages;" "Grading, Paving, etc., Streets;" "Health;" "Landlord and Tenant;" "Licenses;" "Mayor;" "Ordinances;" "Streets and City Engineer;" "Taxes."

application for grading, paving, etc., from owners.

Ords., Art. 35, Sec. 55.....1110

—for ordinance to open, close, etc., streets.

Acts, Sec. 828..... 524

—for ordinance to sanction division by joint owners.

Acts, Sec. 831 524

—of owners for grading, paving, etc.

Ords., Art. 35, Sec. 631114

condemnation of land and water rights, notices in.

Acts, Sec. 6..... 88

bakeries and confectioneries, violation of sanitary regulations.

Ords., Art. 17, Sec. 38.. 887

contagious diseases, parents of pupils, and physicians to give notice to teachers.

Ords., Art. 32, Sec. 36..1056

effect of failure to give notice.

note..... 76

examining engineers—examinations by.

Acts, Sec. 429..... 301

fire precautions, violation of.

Ords., Art. 11, Sec. 62.... 757

NOTICE.—(Cont'd).

footways to be filled up.	
Ords., Art. 35, Sec. 21..	1098
—when defective or out of repair.	
Ords., Art. 35, Sec. 20.	
.....	1097-1098
grading, paving, etc.	
—assessments for; deposit of; list of.	
Ords., Art. 35, Sec. 94..	1128
—for, to owners, written or printed notices.	
Ords., Art. 35, Sec. 95..	1128
—apportionment of.	
Ords., Art. 35, Sec. 93,	
.....	1127
—ordinances for.	
Acts, Sec. 6.....	75
—proposals for.	
Ords., Art. 35, Sec. 91,	
.....	1126
—tax for.	
Acts, Sec. 6.....	77
licenses.	
—advertisement of expiration of.	
Ords., Art. 41, Sec. 84..	1227
mortgage sales under General Law.	
Acts, Sec. 731.....	439
notice to quit (<i>See "Notice to Quit."</i>)	
nuisances.	
—in private streets; abatement of.	
Ords., Art. 35, Secs. 86-88	1122-1124
—non-resident owners, abatement of by.	
Acts, Sec. 489	320
opening, closing, etc., streets (<i>See "Streets, Bridges and Highways," sub-title "Opening, etc., Streets."</i>)	
—benefits, assessment of in.	
Acts, Sec. 181.....	198
—damages, assessment of in.	
Acts, sec. 178.....	186
—publication of.	
Acts, Sec. 177	194

NOTICE.—(Cont'd).**Opening, Closing, Etc.**—(Cont'd).

—meetings of Commissioners for Opening Streets.	
Acts, Sec. 175	191
—objects of Ordinance, Commissioners for Opening Streets to advertise.	
Acts, Sec. 829	523
—resale of property taken in.	
Acts, Sec. 176	193
—sale and resale of property assessed for benefits in.	
Acts, Sec. 183.....	199
—sale of property assessed for benefits.	
Acts, Sec. 182.....	199
—of residue of property taken	
Acts, Sec. 176.....	192
paving etc., streets.	
—annex footways.	
Ords., Art. 35, Sec. 31..	1102
—assessments for.	
Ords., Art. 35, Sec. 69....	1116
—distress for taxes for.	
Ords., Art. 35, Sec. 24....	1099
—levy of tax, etc.	
Ords., Art. 35, Sec. 76....	1120
—footways, paving by City Engineer.	
Ords., Art. 35, Sec. 22..	1098
—paving tax or assessments.	
Ords., Art. 38, Sec. 29..	1167
—selection of paving materials by owners.	
Ords., Art. 35, Sec. 78	1120-1121
primary elections, date of.	
App. C. Sec. 1.....	1270-1271
sewers—construction, opening, etc., notice to owners.	
Acts, Sec. 818.....	504
—property owners affected, to receive.	
Ords., Art. 33, Sec. 6..	1062
taxes—	
—advertised notice of taxes falling due, what to show.	
Acts, Sec. 51.....	128
—assessments of property.	
Acts, Sec. 164A.....	181

	Page
NOTICE. —(Cont'd).	
—increase of assessments of property, notice to owners.	
Acts, Sec. 150.....	172
—sales of chattels for.	
Acts, Sec. 49.....	127
visitors of Jail, meetings of.	
Acts, Sec. 119.....	163
wires underground, placing of.	
Acts, Sec. 6.....	81
NOTICE TO QUIT,	
<i>See "Justices of the Peace" and "Landlord and Tenant."</i>	
agreements relating to, to control.	
Acts, Sec. 851.....	550
decisions relating to cited.	
note Acts	548
form and requisites of.	
Acts, Sec. 849.....	549
rights of landlord under.	
Acts, Sec. 850.....	550
tenancies.	
—at will, by landlord.	
Acts, Sec. 846	549
—at will, by tenant.	
Acts, Sec. 847.....	549
—for less than a year.	
Acts, Sec. 845.....	548
—year to year.	
Acts, Sec. 844.....	548
Acts, Secs. 844-851.....	548-550
written notice required.	
Acts, Sec. 848.....	549
NUISANCES,	
<i>See "Health."</i>	
Ords., Art. 14, Sec. 65....	816
Ords., Art. 14, Secs. 84-127.....	817
Ords., Art. 14, Secs. 84-127.....	822-835
abatement of nuisances.	
—causes of removal, penalty for failure to remove.	
Ords., Art. 14, Sec. 84..	822
—costs of.	
Ords., Art. 14, Sec. 84..	822
—judgment for.	
Ords., Art. 14, Sec. 89..	824

	Page
NUISANCES. —(Cont'd).	
—duty of Commissioner of Health.	
Ords., Art. 14, Sec. 84..	822
—expenses of removal, recovery.	
Ords., Art. 14, Sec. 89..	824
—sale of property to pay.	
Ords., Art. 14, Sec. 90..	824
Ords., Art. 14, Sec. 90..	825
—from leaking hydrants, cost of removal.	
Ords., Art. 14, Sec. 115..	831
—notice to abate.	
Ords., Art. 14, Sec. 65....	816
Ords., Art. 14, Sec. 65....	817
Ords., Art. 14, Sec. 84....	822
—to non-resident owners.	
Ords., Art. 14, Sec. 88	823
Ords., Art. 14, Sec. 88	824
—when to be posted on premises.	
Ords., Art. 14, Sec. 87..	823
—to remove, penalty for failure to comply with.	
Ords., Art. 14, Sec. 84..	822
—penalty for failure to abate.	
Ords., Art. 14, Sec. 65..	816
Ords., Art. 14, Sec. 65..	817
—property owners defined, in cases for.	
Ords., Art. 14, Sec. 91....	825
—when owner cannot be found.	
Ords., Art. 14, Sec. 85....	823
assessments for grading, paving, etc., of streets.	
Ords., Art. 35, Sec. 86....	1123
brought into city, penalty.	
Ords., Art. 14, Sec. 99....	827
digest of decisions of Court of Appeals.	
note	54-57
docks—	
—removal of nuisances in, penalty for non-removal.	
Ords., Art. 13, Sec. 22....	781
grading, paving, etc., to abate.	
Ords., Art. 35, Sec. 85....	1123
health wardens, duty in relation to.	
Acts, Sec. 78.....	141

	Page
NUISANCES. (Cont'd)	
hearing by City Engineer to determine assessments for grading, etc.	
Ords., Art. 35, Sec. 86....	1123
inspection by Commissioner of Health.	
Ords., Art. 14, Sec. 84....	822
lots, nuisances on; assessment of costs, lien of.	
Ords., Art. 14, Sec. 89....	824
—non-residents, advertisement of notice to.	
Ords., Art. 14, Sec. 88....	
.....823, 824	
—notice of removal of.	
Ords., Art. 14, Sec. 87....	823
—originating on adjoining lots, procedure, penalty.	
Ords., Art. 14, Sec. 86....	823
—owners of property chargeable with costs; defined.	
Ords., Art. 14, Sec. 91....	825
—penalty for failure to remove.	
Ords., Art. 14, Sec. 86....	823
—sale of property for costs of removal; procedure.	
Ords., Art. 14, Sec. 90....	
.....824-825	
—on vacant lots; penalty.	
Ords., Art. 14, Sec. 96....	
.....826-27	
markets—filth, offal, etc., deposit of unlawful, penalty.	
Ords., Art. 23, Sec. 32....	929
Park Avenue, deposits of, dirt, ice, sand, snow, prohibited on, penalty.	
Ords., Art. 25, Sec. 38....	971
private streets, paving or repaving of, to abate.	
Ords., Art. 35, Secs. 85-88.....	1123-1124
removal to other premises in city, prohibited; penalty.	
Ords., Art. 14, Sec. 98....	827
Specific Nuisances,	
—cellars.	
Ords., Art. 14, Secs. 93-94.....	826
—dead animals; removal of; penalty.	
Ords., Art. 14, Sec. 95....	826

	Page
NUISANCES. (Cont'd)	
Specific Nuisances. —(Cont'd).	
—deposits of green and fatty bones.	
Ords., Art. 14, Sec. 92....	825
—expectorating.	
Ords., Art. 14, Secs. 100-104.....	828-829
—garbage, offal, etc.	
Ords., Art. 14, Secs. 107-12.....	829-831
—ice ponds.	
Ords., Art. 14, Secs. 116-118.....	832
—injurious manufactories.	
Ords., Art. 14, Sec. 65....	
.....814, 815	
—leaking hydrants.	
Ords., Art. 14, Secs. 114-115.....	831
—low grounds; draining of.	
Ords., Art. 14, Sec. 100..	827
—manufactories injurious and dangerous to health.	
Ords., Art. 14, Secs. 65-77.....	816-822
—manure.	
Ords., Art. 14, Sec. 96....	
.....826-827	
—offensive fluids in streets, police regulations, penalty.	
Ords., Art. 25, Secs. 52, 53.....	975
—oyster and clam shells.	
Ords., Art. 14, Secs. 119-120.....	832-833
—roofing, chemical or mechanical preparations for; proviso.	
Ords., Art. 14, Sec. 65....	
.....816, 817	
—shavings and vegetable matter.	
Ords., Art. 14, Sec. 121..	833
—slaughter and hide houses; complaints against; investigation of.	
Ords., Art. 14, Sec. 195..	864
—notice and removal of.	
Ords., Art. 14, Sec. 196..	865
—nuisances from; penalty.	
Ords., Art. 14, Sec. 97	827
—slaughter house cleanings.	
Ords., Art. 14, Sec. 97....	827
—smoke.	
Ords., Art. 14, Secs. 122-125.....	833-834

NUISANCES.—(Cont'd).

Specific Nuisances.—(Cont'd).

- stables.
Ords., Art. 14, Sec. 126.. 834
- tenement, lodging houses.
Ords., Art. 14, Sec. 105.. 829
- wells and springs.
Ords., Art. 14, Sec. 127..
.....834-835
- vacant lots and premises.
deposits on.
Ords., Art. 14, Sec. 96..
.....826-827

Streets in State of Nuisance,

- action against City by non-resident owners for recovery of costs assessed.
Acts, Sec. 490 320
- advertisement of notice to non-resident owners.
Acts, Sec. 489..... 320
- assessment of costs.
Acts, Sec. 486..... 319
- collection of costs.
Acts, Sec. 486..... 319
- defenses of owners,
Acts, Sec. 487..... 320
- levy of cost.
Acts, Secs. 488-489..... 320
- lien of costs and expenses.
Acts, Sec. 488..... 320
- non-resident owners, reimbursement of.
Acts, Sec. 490..... 320
- notice to non-residents.
Acts, Sec. 489..... 320
- ordinance causing nuisance.
Acts, Sec. 487-490.... 320
- paving, when to be done.
Acts, Sec. 486..... 319
- refund of assessments for paving, etc., streets, when court decides no nuisance existed.
Ords., Art. 35, Sec. 87....1124
- reimbursement of owner.
Acts, Sec. 487-490..... 320
- streets, regulations relating to nuisances in.
Ords., Art. 25, Sec. 36.... 970
- suit against abutting owners.
Acts, Sec. 486..... 319

NUISANCES.—(Cont'd).

Wharves,

- fish, fruit and vegetables to be removed when a nuisance ; penalty.
Ords., Art. 13, Sec 14.... 777

NUMBER,

See "Hackney Carriages and Coaches."

NUMBER PLATES OF LICENSES,

See "Licenses" and "Vehicles."

NUMBER PLATES ON VEHICLES,

license number to correspond with.
Ords., Art. 41, Sec. 83....1227

NUMBERING HOUSES,

See "Topographical Survey."
Ords., Art. 39, Secs. 8-11
.....1174

errors and irregularity in, penalty.
Ords., Art. 3, Sec. 120.... 646

general powers.
Acts, Sec. 6..... 79

NUMBERS OF LICENSES,

See "Licenses."

license number plates to correspond with, penalty.
Ords., Art. 41, Sec. 83....1227

OATH OF OFFICE,

See "Police Examiners."

Acts, Sec. 25..... 106

auctioneer—false swearing by; penalty.
Acts, Sec. 273..... 245

Board of Police Commissioners.
Acts, Sec. 740..... 449

Commissioners for Opening Sewers, employes of, record of.
Ords., Art. 33, Sec. 4.....1061

Examining Board of Fire Department, members to take.
Ords., Art. 11, Sec. 24.. 745

	Page
OATH OF OFFICE. —(Cont'd).	
decisions relating to. note	106
form of, for Commissioners for Opening Sewers. Ords., Art. 33, Sec. 2..	1061-2
measurer of wood-carts. Acts, Sec. 593.....	357

OBJECTIONABLE SUR- ROUNDINGS,

to protect public property from. Acts, Sec. 6.....	49
--	----

OBSTRUCTING,

ambulances—penalty for. Ords., Art. 16, Sec. 15..	873
Salvage Corps—penalty for. Ords. Art. 11, Sec. 46....	752
sewers—throwing waste mat- ter into inlets, penalty. Ords., Art. 25, Sec. 95..	990

OBSTRUCTIONS,

<i>See</i> "Buildings," "Fire De- partment," "Fire Regula- tions," "Harbor, Docks and Wharves," "Health," "Inspector of Buildings," "Jones' Falls," "Markets," "Nuisances," "Parks and Squares," "Police Regula- tions," "Quarantine Hos- pital," "Railroads and Railways," "Sewers," "Streets and City Engi- neer" and "Vehicles."	
harbor, docks and wharves. —in harbor. —on piers. —on wharves. Ords., Art. 13, Secs. 19, 32.....	780, 785
—to navigation. Ords., Art. 13, Sec. 20..	780
Jones' Falls—obstruction of. (<i>See</i> "Jones' Falls.") Ords., Art. 18, Sec. 1....	888
parks and squares—public view in, not to be ob- structed. Ords., Art. 24, Sec. 1....	954

OBSTRUCTIONS.—(Cont'd).

railway tracks—obstruction of. (<i>See</i> "Railroads and Rail- ways.") Ords., Art. 30, Sec. 18....	1021
removal of, from lands con- demned. App. A, Sec. 21.....	1253
sewers—construction of; re- moval of, at expense of owners. Ords., Art. 33, Sec. 18..	1072
—and drains—obstruction of; penalty for; collection of penalties. Acts, Sec. 817.....	504
street cars—obstruction of; penalty against owners or drivers of vehicles. Ords., Art. 4, Sec. 18....	687
Streets—Obstructions and En- croachments, —articles for immediate use of trade or family, ex- cepted, penalty. Ords., Art. 25, Sec. 67..	979
—barrels, boxes, crates and hogsheads, space to occu- py, penalty. Ords., Art. 25, Sec. 68..	979
—boxes for garbage, regula- tion of. Ords., Art. 25, Sec. 70	980
—builders' materials, condi- tions of occupancy of streets with. Ords., Art. 25, Sec. 74..	982
—cars of steam railroads not to obstruct streets. Ords., Art. 30, Secs. 4-6.....	1017
—City Engineer to clear un- lawful obstructions at ex- pense of offender. Ords., Art. 25, Sec. 73	981
—dangerous and unhealthy substances, immediate removal of. Ords., Art. 25, Sec. 69	980
—dirt, lumber, etc., ob- structing streets. Ords., Art. 25, Sec. 73	981
—enclosure in streets in building work. Ords., Art. 25, Sec. 74	982

	Page
OBSTRUCTIONS.—(Cont'd).	
Streets—Obstructions and Encroachments.—(Cont'd).	
—encroachments and obstructions in streets.	
Acts, Sec. 6.....	78
—decisions relating to.	
foot-note	78-79
—family and trade articles for immediate use.	
Ords., Art. 25, Sec. 67	979
—fires in streets in building work, conditions of permit.	
Ords., Art. 25, Sec. 75	983
—footways, removal of snow and ice from.	
Ords., Art. 25, Sec. 76	983-4
—garbage receptacles prohibited, proviso.	
Ords., Art. 25, Sec. 70	980
—gutters and sidewalks to be kept clear.	
Ords., Art. 25, Sec. 71	980-1
—horses and mules in streets while shoeing; penalty.	
Ords., Art. 25, Sec. 75	983
—ice to be removed from footways and gutters.	
Ords., Art. 25, Sec. 76	983-4
—inspection of goods on streets; penalty.	
Ords., Art. 17, Sec. 3..	876
—materials of builders, conditions of use of streets with.	
Ords., Art. 25, Sec. 74	982
—mules and horses in streets while shoeing; penalty.	
Ords., Art. 25, Sec. 75	983
note.....	979
—notice to remove snow from footways.	
Ords., Art. 25, Sec. 76	983-4
—obstructions in streets, removal at expense of offender.	
Ords., Art. 25, Sec. 73	981
—opening, closing, etc., streets; removal of.	
Acts, Sec. 189	201
—penalties for dangerous, etc., substances and obstruction of streets.	
Ords., Art. 25, Sec. 72	981

	Page
OBSTRUCTIONS.—(Cont'd).	
Streets—Obstructions and Encroachments.—(Cont'd).	
—privileges of builders in streets, conditions of.	
Ords., Art. 25, Sec. 74	982
—removal of garbage boxes.	
Ords., Art. 25, Sec. 70	980
—safety regulations for.	
Ords., Art. 35, Sec. 112	1134-1135
—salt, use in melting ice or snow prohibited; penalty.	
Ords., Art. 25, Sec. 77	984
—sidewalks and gutters to be kept unobstructed.	
Ords., Art. 25, Sec. 71	980-81
—snow, removal of, from footways, time limit for, penalty; notice.	
Ords., Art. 25, Sec. 76	983-4
—vehicles, not to obstruct.	
(See "Vehicles.")	

vehicles—obstructions.

See "Vehicles."

OFFENCES,

See "*Fines, Penalties and Forfeitures*;" *Justices of the Peace*" and "*Vagrants and Disorderly Persons*."

OFFENDERS,

See "*Oranges, Lemons and Limes*."

OFFENDERS, ADULT AND JUVENILE,

exempted from provisions of Secs., 104 to 116 inclusive.
Acts, Sec. 117..... 162

OFFENSIVE

fluids in streets—police regulations; penalty.	
Ords., Art. 25, Secs. 52-53	975
privies—cleaning of; penalty for neglect.	
Ords., Art. 14, Sec. 143	841
trades—regulation of.	
Acts, Sec. 6	53

OFFICE HOURS,

See under heads of various municipal officials.

Comptroller and City Register.

Ords., Art. 6, Sec. 30.... 709
note 708-709

Keepers of Standards of Weights and Measures.

Ords., Art. 17, Sec. 5.... 877

OILS AND FLUID ILLUMINANTS,

See "Fire Regulations" and various sub-titles under "Lamps and Lighting" and "Licenses."

inspection and standard of.

Acts, Sec. 6..... 51

licenses for sale of.

Ords., Art. 41, Sec. 26.....1205

manufacture of.

—permit for, application for, penalty.

Ords., Art. 11, Sec. 84
.....765-6

penalty for sale of; without licenses.

Ords., Art. 41, Sec. 27.....1205

OILS AND FLUID ILLUMINANTS,

storage of.

Acts, Sec. 6..... 50

—buildings for.

Ords., Art. 11, Sec. 85.... 766

OILS AND GAS, ILLUMINATING,

inspection of, (*See "Lamps and Lighting" sub-title "Assistant Superintendent of."*)

Ords., Art. 20, Secs. 24-30.....901-903

OMITTED PROPERTY,

See "Assessment of Property."

Acts, Sec. 171..... 188

OMNIBUSES IN STREETS, ETC.

See "Vehicles."

Page

OPENING, CLOSING, ETC., STREETS,

Page

See "City Collector," "City Register," "City Solicitor," "Commissioners for Opening Streets," "Condemnation of Property," "Streets and City Engineer" and "Streets, Bridges and Highways."

annex—opening, etc., streets in.

Acts, Sec. §841c..... 532

Acts, Sec. 3, 42

authority for, by ordinance.

Acts, Sec. 175..... 191

Burnt District Commission, powers of.

App. A, Sec. 2.....1236-1237

Cathedral Cemetery.

Acts, Sec. 6..... 82

Commissioners for—

(*See "Commissioners for Opening Streets."*)

Acts, Sec. 173 190

Commissioners for Opening Streets; duties in annex.

note.....1117-1118

condemnation of property for.

Acts, Sec. 6 72

Condemnation Proceedings,

—powers of city relating to.

Acts, Sec. 6..... 72

—appeals from assessments.

Acts, Sec. 6..... 72

—assessments of damages and benefits.

Acts, Sec. 6..... 72

—Commissioners for Opening Streets.

Acts, Sec. 6..... 72

—Collector of Assessments.

Acts, Sec. 6..... 72

—damages and benefits.

Acts, Sec. 6..... 72

—jury trials.

Acts, Sec. 6..... 73

—infancy, etc.

Acts, Sec. 6..... 73

—interest acquired.

Acts, Sec. 6..... 73

—rents and revenue.

Acts, Sec. 6 73

1517 ORDER OF SATISFACTION.

Page

OPENING OF PRIVIES,
permits for, penalty in absence of permit.
Ords., Art. 14, Sec. 144.. 841

OPENING, ETC., SEWERS,
See "Sewers."

condemnation of property in.
Ords., Art. 33, Secs. 6-81062-1066

OPENING STREET SURFACE,
See "Streets and City Engineer" and "Water."
Acts, Sec. 6 79

decisions relating to.
foot-note 79

powers of Water Board relating to.
Ords., Art. 40, Sec. 23.....1184
.....1185

safety regulations for.
Ords., Art. 35, Sec. 112.....1134
.....1135

OPERATION AND EFFECT OF,
See "Code."
City Charter.
Acts, Secs. 2-4.....564, 566

OPINIONS,
See "City Solicitor."
in Circuit Courts, of city.
Acts, Sec. 324..... 274

ORANGES, LEMONS, LIMES,
licenses for sale of, penalty.
Ords., Art. 41, Sec. 47....1214
—sales under restricted to one person, penalty.
Ords., Art. 41, Sec. 48.....1214
.....1215

notice to offenders to be given, proviso.
Ords., Art. 41, Sec. 49.....1215

ordaining phrase.
See "City Council."

ORDER OF ASSIGNMENT,
See "Mortgages."

ORDER OF SATISFACTION,
See "Mortgages."

	Page
ORDINANCE 41, MAY 9, 1889,	
Charter not to affect. Acts, Sec. 6.....	82
ORDINANCE OF ESTIMATES,	
<i>See "Board of Estimates."</i> Acts, Sec. 36.....	114
City Council, its powers relating to. Acts, Sec. 36.....	115
Department of Legislative Reference, expenses of. Acts, Sec. 208C.....	211
interest on city stock. Ords., Art. 34, Sec. 9.....	1079
park expenditures to be included in. Acts, Sec. 97.....	151
Paving Commission, annual appropriation for, in. Acts, Sec. §841p.....	542
portable school buildings, appropriations for. Ords., Art. 32, Sec. 6.....	1045
salaries of municipal officials fixed by. Acts, Sec. 36A.....	117
ORDINANCES AND RESOLUTIONS,	
<i>See "City Council" and "Mayor."</i>	
advertisement of, to be certified by publisher and certificate to be attached to ordinance or resolution. Ords., Art. 1, Sec. 30,	580-581
amendment, re-enactment, etc., not to be by mere reference to title. Acts, Sec. 221.....	218
appropriations, approval of particular items of by Mayor. Acts, Sec. 23,.....	103
approval of by Mayor. Acts, Sec. 23,.....	102

ORDINANCES AND RESOLUTIONS.—(Cont'd).	
binding, labelling and indexing of engrossed copies. Ords., Art. 1, Sec. 24,	578
Burnt District Commission, powers granted to under. App. A. Sec. 3,.....	1237
certificate of clerk showing regularity of passage, before same shall be submitted to Mayor for his approval. Ords., Art. 1, Sec. 30,....	580
City Council, power to pass. Acts, Sec. 218.....	215
Code, ordinances, etc., included in. Ords., Sec. 2.....	1230
effect of code on, temporary. Ords., Sec. 2.....	1230
engrossed before third reading. Acts, Sec. 221.....	219
engrossing of. Ords., Art. 1, Sec. 23,....	578
evidence, printed volumes, as. Acts, Sec. 219.....	216
grading, paving, etc., under special ordinances. Ords., Art. 35, Secs. 89 90.....	1125
legal sufficiency and form. Ords., Art. 35, Sec. 89,	1125
Mayor to enforce. Acts, Sec. 22.....	102
not to conflict with powers of Board of Police Commissioners. Acts, Sec. 6.....	65
notice of application of passage of relating to sewers. Acts, Sec. 821.....	506
—before acting under in case of sewers. Acts, Sec. 822.....	506
ordaining phrase. Acts, Sec. 220.....	217

	Page
ORDINANCES AND RESOLUTIONS. —(Cont'd).	
printing, binding, etc.	
Ords., Art. 29, Sec. 10, 1010	
readings of in each branch,	
proviso.	
Acts, Sec. 221.....	218
reconsideration of.	
Acts, Sec. 23.....	102-103
sewers, construction, open-	
ing, etc., of, power to pass	
necessary ordinances.	
Acts, Sec. 818.....	505
subject of to be described in	
title.	
Acts, Sec. 221.....	218
veto by Mayor, effect of,	
Acts, Sec. 23.....	102
vote necessary to pass.	
Acts, Sec. 221.....	217
when to become law without	
Mayor's signature.	
Acts, Sec. 23.....	102-103

ORDINANCES RELATING TO STEAM RAILROADS,

Baltimore and Ohio Rail-	
road Co.	
.....	1031-1032
Baltimore Belt Railroad	
Co.	
.....	1032
Baltimore and Port De-	
posit Railroad Co.	
.....	1034
Baltimore and Potomac	
Railroad Co.	
.....	1034
Baltimore and Susquehan-	
na Railroad Co.	
.....	1033-1034
Maryland and Pennsyl-	
vania Railroad Co.	
.....	1033
Md. Del. & Virginia R.	
R. Co.	
.....	1033
Northern Central Railway	
Co.	
.....	1033
Philadelphia Baltimore and	
Washington Railroad Co.	
.....	1034

	Page
ORDINANCES RELATING TO STEAM R. R. —(Cont'd).	
Philadelphia, Wilmington	
& Baltimore Railroad	
Co.	
.....	1034
Union Railroad Co.	
.....	1034
Western Maryland Rail-	
road Co.	
.....	1035
Western Maryland Tide-	
water Railroad Co.	
.....	1035
Western Maryland Rail-	
road Terminal Co.	
.....	1035

ORDINANCES RELATING TO STREET RAILWAYS,

Baltimore Terminal Co.	
.....	1035
Maryland Electric Rail-	
way Co.	
.....	1035
United Railways and Elec-	
tric Co.	
.....	1035-1039
— Baltimore and Hall	
Spring Passengeer Rail-	
way Co.	
.....	1036
— Baltimore and Harford	
Turnpike Road Co.	
.....	1036
— Baltimore and Herring	
Run Railroad Co.	
.....	1036
— Baltimore and Northern	
Electric Railway Co.	
.....	1036
— Baltimore and Powhatan	
Railway Co.	
.....	1036
— Baltimore and Randalls-	
town Horse Railway	
Co.	
.....	1036
— Baltimore and Yorktown	
Turnpike Railway Co.	
.....	1036
— Baltimore, Canton and	
Point Breeze Railway	
Co.	
.....	1036
— Baltimore Catonsville and	
Ellicott's Mills Passen-	
ger Railway Co.	
.....	1036

	Page
ORDINANCES RELATING TO STREET RAIL'WS.—(Cont'd).	
—Baltimore City Passenger Railway Co.	1037
—Baltimore Consolidated Railway Co.	1037
—Baltimore, Halethorpe and St. Denis Railway Co.	1037
—Baltimore, Highlandtown and Riverview Railway Co.	1037
—Baltimore, Peabody Heights and Waverly Railroad Co.	1037
—Baltimore, Pimlico and Pikesville Railway Co.	1037
—Baltimore Traction Co.	1037
—Baltimore Union passenger Railway Co.	1038
—Central Cross Town Line.	1038
—Central Railway Company.	1038
—Citizen's Railway Co.	1038
—City and Suburban Railway Co.	1038
—Columbia and Maryland Railway Co.	1038
—Edmondson Avenue, Catonsville and Ellicott City Electric Railway Co.	1038
—Falls Road Electric Railway Co.	1039
—Highlandtown and Point Breeze Railway Co.	1039
—Monumental City Passenger Railway Co.	1039
—North Avenue Railway Co.	1039

	Page
ORDINANCES RELATING TO STREET RAIL'WS.—(Cont'd).	
—North Baltimore Passenger Railway Co.	1039
—Park Railway Co.	1039
—Patterson and Druid Hill Parks Railway Co.	1039
—Peoples Passenger Railway Co.	1039
—Peoples Railway Co.	1039

ORPHANS' COURT,

Acts, Secs. 352, 353, 381, 382.....	281, 291, 292
bailiff of, per diem of.	
Acts, Sec. 353.....	281
blind, recommendation of by judges.	
Acts, Sec. 397.....	296
per diem of judges of.	
Acts, Sec. 352.....	281
sessions of court.	
Acts, Sec. 352.....	281
stenographer for, appointment, duties and compensation.	
Acts, Sec. 381.....	291-292
vagrant and disorderly minors; concurrent jurisdiction with Criminal Court and Justices of the Peace.	
Acts, 877.....	557

ORPHANS ASYLUM,

water rates for.	
Ords., Art. 41, Secs. 58 61.....	1219

OWNERS,

carriages, owners of; license numbers provided by.	
Ords., Art. 41, Sec. 79, ..	1225
dogs, owners of; fee when claiming seized dog.	
Ords., Art. 41, Sec. 23, ..	1204
property owners.	
—agreement with, vendors from vehicles.	
Ords., Art. 4, Sec. 35, ..	692

OWNERS.—(Cont'd).

—bowling alleys, etc., assent of, necessary.

Ords., Art. 41, Sec. 5, 1197

—connection with new Sewerage System to be made by.

Acts, Sec. §824g.....516

vehicles, owners of.

(See "*Vehicles.*")

who may sign application for grading, paving, etc., as.

Ords., Art. 35, Sec. 57, 1111

whom considered owners in opening, etc., streets, etc.

Acts, Sec. 830.....524

OYSTER AND CLAM SHELLS,

See "*Health.*"

Ords., Art. 14, Sec. 119
.....832-833

OYSTERS,

fees for measuring, buyer and seller to pay.

Acts, Sec. 735.....443

hawking or peddling regulated.

Ords., Art. 14, Sec. 64, 816

licensed measurer.

Acts, Sec. 735.....443

oath of measurer.

Acts, Sec. 735.....443

packers and dealers, deposit of oyster shells by.

Ords., Art. 14, Sec. 119, 833

penalty for sales without measurement.

Acts, Sec. 735.....443

PACKERS AND BUTCHERS,

keeping of hogs.

Ords., Art. 14, Sec. 198,
.....865-866

PAPER BOOK,

of evidence or brief, not required.

Acts, Sec. 301.....261

PARADES IN STREETS,

application for permit for, unlawful without permit, penalty.

Ord., Art. 25, Sec. 109....995

bands, drum corps, etc., permit for parades of after six P. M., penalty.

Ords., Art. 25, Sec. 110...995

note.....994

political or other, unlawful without permit, transparencies prohibited, penalty.

Ords., Art. 25, Sec. 108...994

PARENTAL SCHOOL,

See "*Schools.*"

Ords., Art. 32, Secs. 23-27
.....1051-52

PARK AVENUE,

agreement relating to paving in.

Ords., Art. 24, Sec. 3....955

dirt, ice, sand, snow, not to be deposited on space formed by Liberty and Fayette streets and.

Ords., Art. 25, Sec. 38....971

improvement and maintenance of square in.

Ords., Art. 24, Sec. 4....955

PARK COMMISSIONERS, BOARD OF,

automobiles in parks and squares.

Acts, Sec. 93.....149

conservators of peace; Board to have power of.

Acts, Sec. 94.....150

finest—Board may impose to preserve peace.

Acts, Sec. 92.....149

jurisdiction and powers.

Acts, Secs. 91-97.....149-51

maintenance of parks, to employ labor therefor.

Acts, Sec. 97.....151

night watchmen to be employed by, authority of.

Acts, Sec. 98.....151

	Page
PARK COMMISSIONERS, BOARD OF. —(Cont'd).	
park fund, control of limited. Acts, Sec. 97.....	151
police in parks, control of. Acts, Sec. 95.....	150
powers and jurisdiction in relation to park system. Acts, Sec. 6.....	64
Acts, Sec. 91.....	149
rights vested in, defined. Acts, Sec. 6.....	63
rules governing parks, power to make. Acts, Sec. 92.....	149
secretary, salaries, duties. Acts, Sec. 90.....	148
speed of vehicles in parks. Acts, Sec. 93.....	149
term of office. Acts, Sec. 90.....	148
zoological collections in parks. Acts, Sec. 96.....	150

PARK FUND,

Board of Park Commissioners to control. Acts, Sec. 97.....	151
--	-----

**PARK IMPROVEMENT
LOAN,**

See "Parks and Squares."

PARK POLICE,

See "Police Commissioners."

PARK TAX,

accounts and books of railway companies; examination of. Acts, Sec. 798.....	492-93
car fare registers; examina- tion of. Acts, Sec. 798.....	492-93
certification of; fraud in, to be a misdemeanor; penalty. Acts, Sec. 800.....	493
collection of, penalties. Acts, Sec. 798.....	492-93
default in payment of. Acts, Sec. 799.....	493

PARK TAX. —(Cont'd).	Page
false certification of nine per cent. Acts, Sec. 800.....	493
gross receipts. Acts, Sec. 797.....	492
obstruction of; examination of accounts of railways. Acts, Sec. 798.....	492-93
Park Improvement Loan, interest on. Acts, Sec. §736e.....	447
penalty for default in pay- ment. Acts, Sec. 799.....	493
—for false certification of tax. Acts, Sec. 800.....	493
street railways in annex— modification of tax pay- able by such railways; Board of Estimates to assent in ordinance grant- ing modification of tax. Acts, Sec. §800a.....	494-95
—scale of modifications; period during which modi- fications are effective. Acts, Sec. §800a.....	495

PARKS AND SQUARES,

bonds for purchase of land for. Acts, Sec. 739.....	444
buildings on Mt. Vernon Place, height of. Acts, Sec. §739a.....	444
certificates of stock; Board of Park Commissioners to re- ceive. Acts, Sec. 737.....	444
condemnation of property for. Acts, Sec. 6.....	48-49
department of public— —composition of. Acts, Sec. 90.....	109
—Board of Park Commission- ers appointment, presi- dent. Acts, Sec. 90.....	148
free entrance tickets to zoo- logical collection. Acts, Sec. 736.....	443

	Page
PARKS & SQUARES. —(Cont'd).	
general powers.	
Acts, Sec. 6.....	63
heights of buildings on Mt. Vernon Place.	
Acts, Sec. §739a	445
ice and snow, removal of.	
Ords., Art. 36, Sec. 15.....	1145
interest on bonds, annual tax for.	
Acts, Sec. 739.....	444-45
loan for; issue of \$5,000,000 of city stock to improve.	
Acts, Sec. 824.....	506-7
Mt. Vernon Place—height of buildings on.	
Acts, Sec. §739a.....	445
—porticos in, regulated.	
Ords., Art. 24, Sec. 2.....	955
new parks in southwest section.	
Acts, Sec. 739.....	444-5
order in, preservation of; Park Commissioners may impose fines, etc., to preserve.	
Acts, Sec. 92.....	149
ordinance, June 21, 1860.	
Acts, Sec. 6.....	63
Park Avenue —	
—agreement relating to paving in.	
Ords., Art. 24, Sec. 3.....	955
—improvement and maintenance of square in.	
Ords., Art. 24, Sec. 4.....	955
Park Improvement Loan.	
—acquisition of property.	
Acts, Sec. §739c.....	446
—Appeals to Baltimore City Court.	
Acts, Sec. §739c.....	446
—application of proceeds of.	
Acts, Sec. §739b.....	445-6
—approval of voters.	
Acts, Sec. §739b.....	445-6
—condemnation of property.	
Acts, Sec. §739c.....	446-7
—expenditure of proceeds of.	
Acts, Sec. §739f	447

	Page
PARKS & SQUARES. —(Cont'd).	
—interest, rate of.	
Acts, Sec., §739b.....	445-6
—interest, payment of.	
Acts, Sec. §739e.....	447
—Municipality free from restrictions.	
Acts, Sec. §739d	447
—note.....	445
—notice to owners in condemnations.	
Acts, Sec. §739c.....	446-7
—powers to acquire property.	
Acts, Sec. §739c.....	446-7
—restrictions, municipality exempt from.	
Acts, Sec. §739d.....	447
—stock issues for extension of park system.	
Acts, Sec. §739b.....	446-7
public conveyances in.	
Acts, Sec. 93.....	150
public view not to be obstructed; penalty.	
Ords., Art. 24, Sec. 1.....	954
recovery and accounting of penalties.	
Ords., Art. 24, Sec. 5	956
redemption of bonds for.	
Acts, Sec. 739.....	445
resolution June 4, 1860.	
Acts, Sec. 6.....	63
rules and regulations for.	
Acts, Sec. 6.....	64
seal of Board of Park Commissioners to certificates.	
Acts, Sec. 737.....	444
sinking fund.	
Acts, Sec. 739.....	445
speed of vehicles in.	
Acts, Sec. 93.....	149
subscription in aid of.	
Acts, Sec. 737.....	444
Washington Monument, height of buildings in vicinity of.	
Acts, Sec. §739a.....	445
zoological collection.	
Acts, Sec. 736.....	443

PARTITION FENCES.	1524	PAVEMENTS.	Page
PARTITION FENCES,	Page	PATENT BALANCES AND PLATFORM SCALES,	
<i>See "Buildings," sub-title "Fences."</i>		<i>See "Inspections, Weights and Measures."</i>	
PARTNERS OF AUCTIONEERS,		inspection and stamping.	
<i>See "Auctioneers."</i>		Ords., Art. 17, Sec. 13..	880
designation in writing required.		PATIENTS AT QUARANTINE HOSPITAL,	
Acts, Sec. 257	237	charges for, how collected.	
PARTY AFFILIATION,		Ords., Art. 14, Sec. 173,	855-856
primary elections in city.		PATROL WAGONS,	
App. C, Sec. 1.....	1273	<i>See "Police Commissioners."</i>	
registrations for primary elections for Mayor, etc.		Police Commissioners to equip and maintain.	
App. C, Sec. 2.....	1275	Acts, Sec. 770	472
PARTY WALLS,		PAUPERS,	
<i>See "Buildings."</i>		<i>See "Charities-Supervisors of City."</i>	
PASSENGERS AT QUARANTINE HOSPITAL,		admission to almshouse in emergency.	
maintained at expense of master.		Acts, Sec. 108.....	160
Ords., Art. 14, Sec. 171,	853-854	disorderly, correction of.	
PASSENGER RAILWAYS,		Acts, Sec. 112.....	160
<i>See "Railroads and Railways."</i>		employment, support, treatment in almshouse.	
PASSAGE-WAYS OR AISLES,		Acts, Sec. 109.....	160
<i>See "Buildings" and "Fire Regulations."</i>		PAVED STREETS,	
PASSENGER TRAIN STOPS,		permits for digging up.	
<i>See "Railroads and Railways."</i>		Ords., Art. 35, Sec. 105,	1131
PASTURAGE FOR COWS,		PAVEMENTS,	
acreage required; penalty.		<i>See "Footways," and "Streets and City Engineer."</i>	
Ords., Art. 14, Sec. 35, 807		cobblestone prohibited.	
PATAPSCO RIVER AND TRIBUTARIES,		Ords., Art. 35, Sec. 77,	1120
pollution or obstruction of; penalty for.		improved pavements, protection of; notice of contemplated paving, contents of notice.	
Acts, Sec. 6	51	Acts, Sec. 86B	145
Ords., Art. 13, Sec. 24..	782	—permits for tearing up.	
preservation of navigation of.		Acts, Sec. 86C.....	146
Acts, Sec. 6	51	obstruction of, by goods being inspected, penalty.	
surveys and charts of.		Ords., Art. 17, Sec. 3....	876
Acts, Sec. 6.....	51		

	Page
PAVEMENTS. —(Cont'd).	
selection by owners; when authorized.	
Ords., Art. 35, Sec. 61,	
.....	1112
washing of, Water Board may prohibit, penalty.	
Ords., Art. 41, Sec. 71,	
.....	1222
water stops to be marked in.	
Ords., Art. 40, Sec. 31.	
.....	1187

PAVING, GRADING, ETC., STREETS,

<i>See "Grading, Paving, etc., Streets," "Streets and City Engineer," and "Streets, Bridges and Highways," sub-title "Paving Commission."</i>	
Acts, Sec. 6.....	74

Annex, streets in.

(*See "Streets, Bridges, and Highways," "Annex Improvement Loan."*)

footways of.	
Ords., Art. 35, Sec. 31	102

commission and loans for.	
(<i>See "Streets, Bridges and Highways."</i>)	

markets, paving in.	
permits required; penalty.	
Ords., Art. 23, Secs. 53-54.....	935

North Avenue.	
Acts, Sec. 838.....	527-8

Paving Streets,

—C. & P. Telephone Co., to replace under supervision of City Engineer.	
Ords., Art. 9, Sec. 21.....	726
—collection of tax for repairs.	
Ords., Art. 35, Sec. 23.....	1099
—levy by City Engineer for cost of repairs.	
Ords., Art. 35, Sec. 23.....	1099
—notice of distress for—for tax.	
Ords., Art. 35, Sec. 24.....	1099
—payment of contractor.	
Ords., Art. 35, Sec. 17.....	1096

PAVING, GRADING, ETC., STREETS.—(Cont'd).

Paving Streets.—(Cont'd).

—protection of new paving from street washing, etc., penalty.	
Ords., Art. 25, Sec. 116.....	996
—selection of materials for.	
Ords., Art. 35, Secs. 78-80	1120, 1121

Tax For,

—assessment to cover cost of paving, etc.	
Ords., Art. 35, Sec. 74.....	1119
—bills for, delivery of.	
Ords., Art. 38, Sec. 29.....	1166, 1167
—collection of by City Collector.	
Ords., Art. 35, Sec. 76.....	1120

PAWNBROKERS,

See "Licenses" sub-title "Pawnbrokers."

Ords., Art. 41, Sec. 31.....	1207
------------------------------	------

advertisement of names of licensed pawnbrokers.

Ords., Art. 41, Sec. 35.....	1209
------------------------------	------

articles pawned; provisions relating to sale of.

Ords., Art. 41, Sec. 32.....	1207, 1208
------------------------------	------------

bonds of.

Ords., Art. 41, Sec. 30.....	1206, 1207
------------------------------	------------

hours of business; place of business to be stated in licenses.

Ords., Art. 41, Sec. 29.....	1206
------------------------------	------

information against.

Ords., Art. 41, Sec. 35.....	1209
------------------------------	------

license for.

Acts, Sec. 6.....	61
-------------------	----

—cost of; term of.

Ords., Art. 41, Sec. 28.....	1205, 1206
------------------------------	------------

—to whom denied; annulment of.

Ords., Art. 41, Sec. 36.....	1209
------------------------------	------

rates of charges allowed.

Ords., Art. 41, Sec. 33.....	1208
------------------------------	------

	Page
PAWNBROKERS. —(Cont'd).	
regulations for—violation of; penalty.	
Ords., Art. 41, Sec. 37.....	1209
sale of pledges—provisions relating to sale.	
Ords., Art. 41, Sec. 32....	
.....	1207, 1208
suits against.	
Ords., Art. 41, Sec. 34....	
.....	1208, 1209
transactions with; records of.	
Ords., Art. 41, Sec. 31....	1207
violation of provisions relat- ing to, penalty for.	
Ords., Art. 41, Sec. 37.....	1209
PAYMASTER OF STREET CLEANERS,	
<i>See "Commissioner of Street Cleaning."</i>	
duties, bond.	
Ords., Art. 36, Sec. 16.....	1146
PAYMENT INTO COURT,	
damages for opening, etc., streets, when allowed.	
Acts, Sec. 827.....	521
PAY OF,	
Disabled Firemen,	
sickness, no deduction for.	
Ords., Art. 11, Sec. 9.....	739
Firemen,	
Ords., Art. 11, Sec. 3.....	736
Jurors,	
<i>See "Jurors."</i>	
Acts, Sec. 621.....	373
PAYROLLS OF CITY,	
Comptroller to examine and approve.	
Ords., Art. 6, Sec. 4.....	700
PEABODY INSTITUTE,	
Art Commission—to appoint member of.	
Acts, Sec. 201.....	207

PEABODY INSTITUTE.	Page
—(Cont'd).	
ordinances and resolutions to receive copy of.	
Ords., Art. 1, Sec. 26.....	579
surrender to city of \$500,000 of city stock in exchange for new stock of city to same amount to constitute fund of said institute.	
Acts, Sec. 816.....	503
PEABODY PRIZES,	
distribution of.	
Ords., Art. 32, Sec. 14....	
.....	1047-8
PEARL AND PINE STREETS,	
market regulations for.	
Ords., Art. 23, Sec. 97....	948
PEAS AND BEANS IN HULL,	
standard barrel for measure- ment of.	
Acts, Secs. 532-534.....	336-337
PECK AND BUSHEL MEAS- URES,	
dimensions, penalty.	
Ords., Art. 17, Sec. 9.....	878-9
PEDDLERS,	
license of.	
Acts, Sec. 6.....	61
permits to peddle—Mayor to grant.	
Acts, Sec. 6.....	65
PEDDLING OYSTERS,	
regulation of.	
Ords., Art. 14, Sec. 64....	816
PENALTIES,	
<i>See "Fines, Forfeitures and Penalties" and "Vehicles."</i>	
Acts, Sec. 438.....	304
auctioneer and auction sales. (<i>See "Auctioneers."</i>)	
thieves and pickpockets at railway stations, ferry boats and other public places.	
Acts, Secs. 783, 784.....	484-486

PENSION FUNDS OF POLICE,

See "*Special Police Fund.*"

PENS AND SCALES FOR CATTLE,

Baltimore and Ohio Railroad
pens and pens of State,
driving cattle, etc., between.
Ords., Art. 25, Sec. 23.... 966-7

PENSIONS,

disabled firemen, and widows
and children of firemen,
Acts, Sec. 70..... 138

Fire Department, firemen and
widows and children of.
Acts, Sec. 445..... 307

PERCH, WHITE,

See "*Fish.*"

PER DIEM,

See "*Commissioners for Opening Streets*" and "*Sewers.*"

assessed as costs in sewer con-
demnations.
Ords., Art. 33, Sec. 19.. 1072

Jurors,

See "*Jurors.*"
Acts, Sec. 622..... 373

PERISHABLE AND MOVABLE CITY PROPERTY,

See "*Librarian.*"
Ords., Art. 21, Secs. 1-4,
..... 904-06

PERISHABLE ARTICLES ON WHARVES,

removal and sale of.
Ords., Art. 13, Sec. 13.... 777

PERMITS,

See "*Advertisements,*" "*Build-
ings,*" "*Health,*" "*Inspector
of Buildings*" and "*Streets
and City Engineer.*"

awning flaps, figures and
structures: when permits
are revocable.
Ords., Art. 1, Sec. 13,
..... 575-576

PERMITS.—(Cont'd).

building.
(See "*Buildings.*")
Ords., Art. 3, Sec. 5,
..... 600-1
—bath rooms, bay windows,
porches, etc.
Ords., Art. 3, Secs. 13-
22..... 604-607
—grade line of streets to be
established before same
to be issued.
Ords., Art. 35, Secs.
50-53..... 1108-1109
—required from Appeal Tax
Court; penalty.
Ords., Art. 38, Sec. 17,
..... 1161-1162
Sec. 19..... 1162
—taxes to be paid before Ap-
peal Tax Court may
issue.
Acts, Sec. §280a..... 253

burial permits.
Ords., Art. 14, Sec. 184.. 860

cess-pools, draining of.
Ords., Art. 14, Sec. 145.. 841

dead bodies, conveyance of.
Ords., Art. 14, Sec. 187.. 861

digging up streets.
(See "*Streets and City Engi-
neer.*")
Ords., Art. 35, Secs. 104-
109..... 1131-34

fireworks.
—Mayor may grant.
Ords., Art. 11, Sec. 57.. 756

keeping cows.
Ords., Art. 14, Secs. 33-
37..... 806-808

manufacture of oils.
—application for, publication
of, penalty.
Ords., Art. 11, Sec. 84.. 766

pavements, tearing up im-
proved.
Acts, Sec. 86C..... 146

peddling.
(See "*Peddlers.*")
Acts, Sec. 6..... 65

	Page
PERMITS.—(Cont'd).	
poles, etc.	
—Mayor may revoke permit and order removal of poles, etc.	
Art. 1, Sec. 13.....	575
—penalty for neglect of removal.	
Ords., Art. 1, Sec. 13.....	575-576
privies, opening of.	
Ord., Art. 14, Sec. 144,	841
revocation of by Mayor.	
Ords., Art. 1, Sec. 13,	575-576
sign-posts. signs; when permits therefor revocable.	
Ords., Art. 1, Sec. 13,	575-576
street auctions; Mayor may issue permits for.	
Ords., Art. 2, Sec. 2.....	589
telegraph and other poles; when permits for revocable.	
Ords., Art. 1, Sec. 13,	575-576
water.	
—dwellings, use for power in.	
Ords., Art. 41, Sec. 54,	1218
PERSONAL PROPERTY,	
assessment of by Appeal Tax Court.	
Acts, Sec. 158.....	179
Exemptions from taxation.	
Ords., Art. 38, Secs. 7-9	1157-1159
Owners moving into city to give account of, to Appeal Tax Court.	
Acts, Sec. 158.....	179
Taxes on, when in arrear.	
Acts, Sec. 40.....	121
PERSONATING POLICEMEN SHERIFF, ETC.	
penalty for; to be a misdemeanor.	
Acts, Sec. 785.....	486

	Page
PEST HOUSES,	
erection and regulation of.	
Acts, Sec. 6.....	54
PETIT JURY,	
See " <i>Jurors.</i> "	
PETITIONS,	
See " <i>Appeals</i> ;" " <i>Appeal Tax Court</i> ;" " <i>Assessments</i> ;" " <i>Buildings</i> ;" " <i>Commissioners for Opening Streets</i> ;" " <i>Condemnation of Property</i> ;" " <i>Courts</i> ;" " <i>Opening, etc., Streets</i> ;" " <i>Taxes.</i> "	
appeal from assessments.	
Acts, Sec. 170.....	184
PETROLEUM PRODUCTS,	
fixing standard of.	
Acts, Sec. 6.....	51
inspection of.	
Acts, Sec. 6.....	51
PETTY LARCENY.	
penalty for.	
Acts, Sec. 331.....	276
PIER OR BULKHEAD LINES,	
See " <i>Harbor, Docks and Wharves.</i> "	
Acts, Sec. 6.....	51
PHOTOGRAPHS OF CITY,	
buildings, monuments, etc., Librarian to have made.	
Ords., Art. 21, Sec. 8....	907
PHYSICIANS TO POLICE FORCE,	
See " <i>Police Commissioners.</i> "	
PHYSICIANS,	
attending cases of communicable diseases.	
App. B, Sec. 2.....	1265
births to be reported.	
Ords., Art. 14, Sec. 188..	862
death certificates, attending physician to furnish.	
Ords., Art. 14, Sec. 181,	858-859
false statements by; penalty.	
App. B, Sec. 4.....	1267

	Page
PICKPOCKETS,	
See " <i>Thieves and Pickpockets.</i> "	
PIANOS,	
hand organs, etc., not to play after 10.30 p. m., penalty.	
Ords., Art. 25, Sec. 111,	995
PIAZZAS AND PORCHES,	
(See " <i>Buildings.</i> ")	
Ords., Art. 23, Secs. 13-22	604-607
PICTORIAL COLLECTION,	
(See " <i>Librarian.</i> ")	
showing history and growth of city.	
Ords., Art. 21, Secs. 6-9	907
—Librarian to collect and develop.	
Ords., Art. 21, Sec. 9.	907
PIERS,	
See " <i>Harbor, Docks and Wharves.</i> "	
Ords., Art. 13, Secs. 4-5	773-774
PIPES,	
gas—	
use of streets by.	
Acts, Sec. 6.	80
of water system—	
powers of Water Board to lay.	
Ords., Art. 40, Sec. 23.	1184
	1185
—repair of by Water Board and private owners.	
Ords., Art. 40, Sec. 26.	1186
PISTOLS AND FIREARMS,	
—address of purchaser, etc., seller to record.	
Ords., Art. 25, Sec. 80.	985
defacing marks of identification, penalty.	
Ords., Art. 25, Sec. 82.	986
discharging firearms on vessels, penalty,	
Ords., Art. 25, Sec. 83.	986
discharging in city, penalty.	
Ords., Art. 25, Sec. 83.	986
firing off toy pistols, penalty.	
Ords., Art. 25, Sec. 85.	987

	Page
PISTOLS AND FIRE-ARMS.—(Cont'd).	
gifts or loans of, under same requirements as sales.	
Ords., Art. 25, Sec. 79.	985
identification, marks of.	
Ords., Art. 25, Sec. 79.	985
inspection of register by Marshal of Police.	
Ords., Art. 25, Sec. 80.	985
loans or gifts, same restrictions as for sales.	
Ords., Art. 25, Sec. 79.	985
mark of identification affixed when sold or loaned, etc.	
Ords., Art., 25, Sec. 79.	985
—penalty for obliterating.	
Ords., Art. 25, Sec. 82.	986
—seller, donor, etc., to record.	
Ords., Art. 25, Sec. 80.	985
name and residence of purchaser, donee, etc., seller to record.	
Ords., Art. 25, Sec. 80.	985
obliterating mark of identification, penalty for.	
Ords., Art. 25, Sec. 82.	986
penalties for violations of provisions.	
Ords., Art. 25, Sec. 81.	986
register of name of purchaser, mark of identification, etc., seller to keep.	
Ords., Art. 25, Sec. 80.	985
regulating sales of.	
Ords., Art. 25, Sec. 78.	985
report of sales, seller to make monthly to Marshal of Police.	
Ords., Art. 25, Sec. 80.	985
revolvers, regulating sales, gifts, etc., of.	
Ords., Art. 25, Sec. 78.	985
sales of, regulating.	
Ords., Art. 25, Sec. 78.	985
toy pistols, disposal of in any manner unlawful, penalty.	
Ords., Art. 25, Sec. 84.	987
—firing off, penalty.	
Ords., Art. 25, Sec. 85.	987

PISTOLS, TOY,

See "*Pistols and Firearms.*"

PLACES OF BUSINESS.	1530	PLUMBING.	Page
PLACES OF BUSINESS,		PLUMBING,	
privies for each sex required. Ords., Art. 14, Sec. 158.....	845, 846	<i>See "Health" and "State Board of Commissioners of Practical Plumbing."</i> Ords., Art. 14, Sec. 129..	836
PLANS AND SPECIFICATIONS,		State Board of Commissioners of Practical,	
of buildings—filing with In- spector of Buildings. Ords., Art. 3, Sec. 6.....	602	—application of fees. Acts, Sec. 513.....	327
PLASTER AND BUILDERS MATERIALS,		—appointment of Board. Acts, Sec. 511.....	326
<i>See "Buildings."</i> streets, occupying with, po- lice regulations. Ords., Art. 25, Sec. 74....	982	—certificate of competency. Acts, Sec. 511.....	327
PLATS AND MAPS,		—compensation, proviso. Acts, Sec. 514.....	328
<i>See "Topographical Survey" of City.</i> Ords., Art. 39, Secs. 1, 2,	1171, 1172	—disposition of fees. Acts, Sec. 512.....	327
—copy certified by clerk of Superior Court to be evi- dence. Acts, Sec. 842.....	547	—duties. Acts, Sec. 511.....	327
PLATS OF MARKETS,		—employing incompetents, penalty. Acts, Sec. 509.....	326
Comptroller to provide same for use of clerks. Ords., Art. 23, Sec. 25....	927	—examination fee. Acts, Sec. 512.....	327
PLAYGROUNDS FOR CHILDREN,		—examination of applicants. Acts, Sec. 511.....	327
<i>See "Health."</i> Acts, Sec. §493a.....	321	—expenses. Acts, Sec. 513.....	327
Ords., Art. 14. Sec. 128..	835, 836	—fee for certificate, ex- amination and renewal. Acts, Sec. 512.....	327
PLEAS,		—incompetents, penalty for. Acts, Sec. 510.....	326
declaration—filing of plea to. Acts, Sec. 309.....	264	—majority of Board may act. Acts, Sec. 511.....	327
time of filing, when extended. Acts, Sec. 312.....	266	—oath of office. Acts, Sec. 514.....	328
to be sworn to. Acts, Sec. 312.....	265	—penalty for employing incompetents. Acts, Sec. 509.....	326
when to be filed. Acts, Sec. 308.....	263	—per diem of Board. Acts, Sec. 514.....	328
		—receipts, application of. Acts, Sec. 513.....	327
		—register of plumbers. Acts, Sec. 511.....	327
		—renewal of certificate. Acts, Sec. 512.....	327
		—report biennially to Governor. Acts, Sec. 515.....	328
		—rules and regulations. Acts, Sec. 512.....	327
		—selection of members. Acts, Sec. 511.....	327
		—term of office. Acts, Sec. 514.....	328

POISONING DOGS,

penalty for.

Ords., Art. 41, Sec. 25.....
.....1204, 1205**POLES,***See "Electrical Commission
and Subways;" "Licenses;"
"Permits" and "Fire De-
partment."*

Ords., Art. 41, Sec. 38.....1210

exception of certain poles
from license provisions.

Ords., Art. 41, Sec. 43.....1213

fire alarm telegraph—injury
to, penalty.Ords., Art. 11, Sec. 31.....
.....747-8telegraph and telephone—li-
censes for; cost of; poles
exempt.Ords., Art. 41, Sec. 39.....
.....1210, 1211

—list of.

Ords., Art. 41, Sec. 38.....1210

—to be filed by owners;
penalty.Ords., Art. 41, Sec. 42.....
.....1212, 1213—notice to owners to furnish
list of.

Ords., Art. 41, Sec. 38.....1210

—penalties for failure to
comply with provisions
of code.Ords., Art. 41, Sec. 42.....
.....1212, 1213

—furnish list.

Ords., Art. 41, Sec. 38.....1210

—permits for planting.

Ords., Art. 35, Secs. 105-
106 1132, 1133—tin plates for; record of
plates and licenses.Ords., Art. 41, Sec. 39.....
.....1210, 1211**POLES AND WIRES,**

use of streets by.

Acts, Sec. 6 79-80

POLICE,appropriations—for disabled
and superannuated police-
men.

Acts, Sec. 6 64

—for widows and children of
policemen,

Acts, Sec. 6 64

POLICE.—(Cont'd).

building permits.

—exhibit permit, penalty for
refusal when requested
by police.

Ords., Art. 25, Sec. 7..... 963

—officers to inquire of per-
sons building, for permits.

Ords., Art. 25, Sec. 8..... 963

exits and egress from build-
ing; nightly examination
of by police.

Acts, Sec. 280..... 252

ferries, officers pass free when
on duty.

Acts, Sec. 437..... 304

fire regulations.

—amusement halls, aisles of
to be kept clear, exits to
be opened.

Ords., Art. 25, Sec. 35..... 970

—fire shutters and doors,
arrangement and closing
of.

Ords., Art. 25, Sec. 32..... 969

—smoking meats, prohibi-
ted, except in special
buildings.

Ords., Art. 25, Sec. 33..... 969

—stairways, explosives, etc.,
under and obstruction of,
prohibited.Ords., Art. 25, Sec. 34.....
.....969-70gaming; to give information
to Mayor.Ords., Art. 12, Sec. 4.....
.....768, 769House of Good Shepherd,
Marshal to visit and inspect.

Acts, Sec. 518..... 332

Justices of the Peace; bail,
discretion in felonies and
misdemeanors.

Acts, Sec. §278h..... 249

—forfeiture of, before.

Acts, Sec. §278k..... 249

—recognizances; delivery of
to clerk of Criminal Court.

Acts, Sec. §278j..... 249

lamps, to report when broken
to Superintendent of Lamps
and Lighting.

Ords., Art. 20, Sec. 23..... 900

	Page
POLICE. —(Cont'd).	
magistrates. (See " <i>Justices of the Peace.</i> ")	
markets—officers to preserve order in. Ords., Art. 23, Sec. 26.....	927, 928
marshal. (See " <i>Police Commissioners.</i> ")	
night watchmen in parks, power of. Acts, Sec. 98.....	151
officers—city not to pay fees to. Acts, Sec. 639.....	383
park regulations for policing —Board of Park Commis- sioners, powers of. Acts, Sec. 92.....	149
patrol telegraph—wires of, in conduits of C. & P. Tele- phone Co. Ords., Art. 11, Sec. 35....	749
powers—general powers. Acts, Sec. 6.....	64
—ordinances not to conflict with powers of Board of Police. Acts, Sec. 6.....	65
—power to preserve order, etc. Acts, Sec. 6.....	64
service of criminal process. Acts, Sec. 640.....	384
suppression of gaming; pro- cedure; penalty for resist- ing police. Ords., Art. 12, Sec. 4.....	769
vaccine physician of ward to attend. Ords., Art. 14, Sec. 9.....	798, 799
warrants, writs, subpoenas, etc., officers of police, po- licemen and detectives to serve. Acts, Sec. 640.....	384

	Page
POLICE COMMISSIONERS,	
See " <i>Special Police Fund.</i> "	
account of Treasurer. Acts, Sec. 752	464
annual levy for expenses. Acts, Sec. 747.....	459
appointees by Board to be selected or rejected without regard for religious or po- litical considerations. Acts, Sec. 740.....	449
appointments to police force— only those on graded lists of Police Examiners to be eligible. Acts, Sec. 745F.....	458
arrests—immediate examina- tion after arrest; females and male children under 14. Acts, Sec. 760.....	469
Assistant Secretary; appoint- ment of and salary. Acts, Sec. 743.....	450
badges of newspaper repre- sentatives, control of. Ords., Art. 25, Sec. 63....	978
bills, accounts and vouchers to be examined by Comp- troller. Acts, Sec. 751.....	464
Board of, appointment, quali- fications. Acts, Sec. 740.....	448
bond of; approval of bond, record of. Acts, Sec. 740.....	448
—may be required of mem- bers of force. Acts, Sec. 749.....	462
—Treasurer, bond of. Acts, Sec. 752	464
certificates of indebtedness to be issued to meet any deficit incurred in conduct of de- partment. Acts, Sec. 747.....	460
charges against members of police force, must be in writing, notice of trial to be given. Acts, Sec. 745F.....	458

POLICE COMMISSIONERS.	Page
—(Cont'd).	
coal law—enforcement of. Acts, Sec. 539A.....	339
Commissioner of Health, police to execute orders of. Ords., Art. 25, Sec. 36.....	970
concealed weapons—carrying same with intent to injure any person, penal- ty, effect of act. Acts, Sec. 762	469-470
—penalty for carrying, pro- viso relating to conserva- tors of the peace. Acts, Sec. 761.....	469
cost collected by station-house justices, application of. Acts, Sec. 646.....	386
crimes or misdemeanors, pen- alty. Acts, Sec. 761.....	469
detail police to parks and squares. Acts, Sec. 95.....	150
discipline of members of force, Board may dismiss or otherwise punish infrac- tions of its rules and regu- lations. Acts, Sec. 749.....	462
display of insignia or emblems of police or sheriff un- authorized, penalty. Acts, Sec. 785	486
duties of the Board—to be conservators of the public peace, to police fires, to protect property and strangers, to enforce laws and ordinances, to prevent breaches of peace, to appre- hend criminals, to enforce powers and duties imposed by this Article. Acts, Sec. 744.....	451-452
drunk or disorderly persons, penalty. Acts, Sec. 761.....	469
expenses annual estimate, Acts, Sec. 747.....	459

POLICE COMMISSIONERS.	Page
—(Cont'd).	
extra compensation to police prohibited, application of funds received by police, police fund, penalty for violations. Acts, Sec. 750.....	462
families of men on police force, relief of. Acts, Sec. 749.....	462
fire alarm and police tele- graph and other police prop- erty to be used by board. Acts, Sec. 754	465
funds for operation of Police Department, powers of Board defined, proviso. Acts, Sec. 747	460
gratuities and monies paid police to be turned over to police fund. Acts, Sec. 750.....	462-463
House of Good Shepherd, President of Board to visit and inspect. Acts, Sec. 518.....	332
leave of absence with pay— duration of leave to be un- affected by enforced ab- sence or sickness. Acts, Sec. 763.....	470
Long Bridge. —arrest on or under said bridge. Acts, Sec. 781.....	484
—authority, duties and jur- isdiction relating to. Acts, Sec. 781.....	484
liquor, sales under permits from. (See "Licenses," <i>Liquor Licenses</i> .)	
Marshal—clerk, appoint- ment, bond, salary of. Acts, Sec. 746.....	458-459
—to inspect accounts of pawnbrokers. Acts, Sec. 692.....	422-423
matrons at station-houses. —appointment of matrons and superintendent of matrons. Acts, Sec. 765.....	470-471

POLICE COMMISSIONERS.	Page
—(Cont'd).	
—duties of matrons and superintendent of matrons.	
Acts, Sec. 767.....	471
—recommendations for appointment.	
Acts, Sec. 766.....	471
—rooms for at station-houses.	
Acts, Sec. 765.....	470-471
—salaries of matrons and superintendent of matrons.	
Acts, Sec. 768.....	472
—substitute matrons.	
Acts, Sec. 765.....	470-471
—term of service four years; removal of, substitute matrons.	
Acts, Sec. 766.....	471
Mayor and City Council of Baltimore—its liability or responsibility unimpaired by this Act; to have no control over Board or members of Police Department.	
Acts, Sec. 759.....	468
militia—command of when called out by Board of Police Commissioners or Sheriff.	
Acts, Sec. 769.....	472
—when Board may call out same; military force to obey orders of Board; penalty for refusal.	
Acts, Sec. 748.....	461
minutes of Board; to be open to inspection.	
Acts, Sec. 741.....	449
misconduct, removal for.	
Acts, Sec. 740.....	448
nominations for police; graded list must contain name of nominee.	
Acts, Sec. 745F.....	458
oath of Board and record of same by Clerk of Superior Court.	
Acts, Sec. 740.....	448-449
old Board of Police Commissioners; present Board to succeed to its rights, property and effects.	
Acts, Sec. 754.....	465

POLICE COMMISSIONERS.	Page
—(Cont'd).	
officers of Board; selection of president.	
Acts, Sec. 741.....	449
ordinances not to conflict with powers of.	
Acts, Sec. 6.....	65
park policemen—to be detailed on request of Board of Park Commissioners; powers of such policemen.	
Acts, Sec. 758.....	467-468
patrol wagons; Board to maintain.	
Acts, Sec. 770.....	472
personating policemen; penalty.	
Acts, Sec. 785.....	486
physicians to police force; appointment; qualifications; chief physician.	
Acts, Sec. 771.....	473
—duties.	
Acts, Sec. 772.....	473
—salaries of chief physician and his assistants; tenure of office.	
Acts, Sec. 773.....	473-474
Police Examiners; (<i>See under "Police Examiners," post</i>)	
police force; composition of force; officers and men.	
Acts, Sec. 745.....	453
—to be enrolled, armed and equipped.	
Acts, Sec. 745.....	452, 453, 454
—not to perform other work or duties; purpose of this prohibition.	
Acts, Sec. §759a.....	468
—to hold positions during good behavior; removable for cause only.	
Acts, Sec. 745F.....	458
—to be instructed to inquire for building permits.	
Ords., Art. 25, Sec. 8....	963
—to report saloonkeepers violating orders of Board.	
Acts, Sec. 753.....	465
police patrol boat—appointment of officers for; rank and pay of.	
Acts, Sec. 778.....	483

	Page
POLICE COMMISSIONERS.	
—(Cont'd).	
police tax,—levy of.	
Acts, Sec. 747.....	459
poll-books; election returns; printing of same—secretary to perform clerical duties relating thereto.	
Acts, Sec. 742.....	450
<i>posse comitatus</i> ,—sheriff may summon.	
Acts, Sec. 748.....	461
power to hold other office.	
Acts, Sec. 740.....	448
President of Board of, to be member of Board of Safety.	
Acts, Sec. 68.....	137
probation officers; appoint- ment, tenure of office and pay of additional probation officers.	
Acts, Sec. 764.....	470
proceedings to be recorded by Secretary of Board.	
Acts, Sec. 751.....	463
property—and effects of Board,—secretary to keep account of.	
Acts, Sec. 742.....	450
—seized or found, to be re- ported by police; penal- ty for failure to account for and surrender such property; Secretary to have custody of such property.	
Acts, Sec. 755.....	466
—to be held and used by the Board.	
Acts, Sec. 754.....	465
proviso defining and limiting effect of provisions of City Charter.	
Acts, Sec. 745.....	454
races—detail of police at race tracks.	
Acts, Sec. 774.....	474
record of proceeding; duty of Secretary; General Assem- bly, Mayor and City Regis- ter may inspect same.	
Acts, Sec. 751.....	463

	Page
POLICE COMMISSIONERS.	
—(Cont'd).	
registration of voters—detail of police at registration of- fices.	
Acts, Sec. 775.....	474
release of prisoners—police not to release prisoners ex- cept on proper authority.	
Acts, Sec. 757.....	467
report of proceedings to Gen- eral Assembly; inspection of record by General Assem- bly.	
Acts, Sec. 751.....	463
requisitions on Comptroller for funds necessary to con- duct department.	
Acts, Sec. 747.....	459, 460
retired policemen, etc., ser- vices required of them; penalties Board may impose if retired member is leading an immoral life.	
Acts, Sec. 756.....	467
retirement of members of po- lice force; powers of Board relating to; pre-requisites for such retirement, service and disability, certificate of disability.	
Acts, Sec. 756.....	466, 467
rewards for gallantry by mem- bers of force.	
Acts, Sec. 750.....	463
rules and regulations of.	
Acts, Sec. 749.....	462
—offenders to be punished.	
Acts, Sec. 749.....	462
salaries of—payable quarterly.	
Acts, Sec. 740.....	448
—of officers and men.	
Acts, Sec. 745.....	453, 454
saloons may be closed by Board to preserve peace; penalty for failure of pro- prietors to close; proprie- tors to be reported to Grand Jury by police.	
Acts, Sec. 753.....	464, 465
Secretary to Board—duties; bond; salary.	
Acts, Sec. 742.....	450

	Page
POLICE COMMISSIONERS.	
—(Cont'd).	
—to take charge of property seized by police.	
Acts, Sec. 742.....	450
special fund. (<i>See under "Special Police Fund."</i>)	
Sheriff, duties relating to preservations of peace; <i>posse comitatus</i> .	
Acts, Sec. 748.....	461
station-house justices — appointment of substitutes.	
Acts, Sec. 637.....	382
station houses in annex.	
—cost of to be paid out of special fund.	
Acts, Sec. 788.....	487
—erection of.	
Acts, Sec. 786.....	487
—ground for—acquisition of.	
Acts, Sec. 786.....	487
—cost of.	
Acts, Sec. 788.....	487
—title to.	
Acts, Sec. 787.....	487
succession in office of.	
Acts, Sec. 740.....	448
supreme control of conservators of peace to be vested in Board; penalty for disobedience of its orders.	
Acts, Sec. 748.....	461
term of office of.	
Acts, Sec. 740.....	448
Treasurer of Board; bond; semi-annual account of; Board to examine account and certify thereto; account to be filed in office of Secretary of State.	
Acts, Sec. 752.....	464
vacancies in Board; appointment of successor; proviso.	
Acts, Sec. 741.....	449, 450
—police force; how filled.	
Acts, Sec. 749.....	462
votes in relation to appointments, promotions, contracts, etc.; recording of votes.	
Acts, Sec. 741.....	449

	Page
POLICE EXAMINERS,	
accomodations for; office and stationery of Board; seal of Board.	
Acts, Sec. 745C.....	455
applicants for examination—information to be given by applicant in sworn statement of application.	
Acts, Sec. 745E.....	457
—when examination may be refused; disabilities enumerated.	
Acts, Sec. 745E.....	457
Board of Police Examiners—appointment and composition of Board.	
Acts, Sec. 745A.....	454
candidates for appointment—Board to report names of candidates to Board of Police Commissioners.	
Acts, Sec. 745D.....	456
certificate of character to be filed by applicant.	
Acts, Sec. 745E.....	457
competitive examinations of candidates for appointment or promotion to be held; character of examinations.	
Acts, Sec. 745D.....	456
graded lists—no nomination of police officer, etc., to be confirmed by Police Commissioners unless on graded list.	
Acts, Sec. 745E.....	458
—of candidates to be open to public inspection.	
Acts, Sec. 745D.....	456
—of qualified candidates.	
Acts, Sec. 745D.....	456
oath to be taken; recording of oath.	
Acts, Sec. 745A.....	455
officers of Board; secretary; salary of secretary.	
Acts, Sec. 745B.....	455
qualifications of.	
Acts, Sec. 745A.....	454
rules and regulations of.	
Acts, Sec. 745D.....	456

	Page
POLICE EXAMINERS. —(Cont'd).	
salary and terms of office; oath.	
Acts, Sec. 745A.....	454
Secretary of Board; salary and duties.	
Acts, Sec. 745B.....	455

POLICE AND FIRE ALARM TELEGRAPH,

See "Police Commissioners."

POLICE FORCE,

See "Police Commissioners."

POLICE FUNDS,

See "Special Police Fund."

POLICEMEN,

See "Coal."

POLICE REGULATIONS,

*See "Pistols and Firearms,"
"Police," "Police Commis-
sioners" and "Vehicles."*

application for permit to pa- rade.	
Ords., Art. 25, Sec. 109..	995
ashes and sand not to deposit on streets, penalty, proviso.	
Ords., Art. 25, Sec. 37..	971
ball or bandy playing, or throwing stones in streets unlawful, penalty.	
Ords., Art. 25, Sec. 87..	987
bands, drum corps, etc., pa- rades of, permit, not to so- licit money, penalty.	
Ords., Art. 25, Sec. 110..	995
barrels, boxes, etc., in streets, how placed,	
Ords., Art. 25, Sec. 68..	979
Battle and Washington Mon- uments, injuring or de- facing, penalty.	
Ords., Art. 25, Sec. 61..	977
bicycles, lamps on, penalty.	
Ords., Art. 25, Sec. 88..	988

POLICE REGULATIONS.

Page

—(Cont'd).

billiard tables and bowling alleys.	
—closing hours for bowling alleys.	
Ords., Art. 25, Sec. 3..	962
—games that are unlawful.	
Ords., Art. 25, Sec. 1..	961
—hours for closing bowling alleys, penalty.	
Ords., Art. 25, Sec. 3....	962
—minors not to play bil- liards, penalty.	
Ords., Art. 25, Sec. 2..	961
—not to bowl, penalty.	
Ords., Art. 25, Sec. 4....	962
—penalty for permitting minors to play billiards and pool.	
Ords., Art. 25, Sec. 2..	961
—to bowl.	
Ords., Art. 25, Sec. 4..	962
birds.	
—boxes for, penalty for in- jury to.	
Ords., Art. 25, Sec. 5..	962
—injury to insectivorous birds, penalty.	
Ords., Art. 25, Sec. 5..	962
blowing whistles—	
—hours when prohibited, penalty, exception of steamboats.	
Ords., Art. 25, Sec. 6..	962-3
builders' materials and enclos- ures in streets, conditions of privilege.	
Ords., Art. 25, Sec. 74....	982
cattle, sheep and hogs, driv- ing through streets.	
(<i>See "Cattle, Sheep and Swine—Driving through Streets."</i>)	
Ords., Art. 25, Secs. 11-31	964-69
cattle, swine and goats at large.	
—killing or seizure by any person lawful, penalty for owner.	
Ords., Art. 25, Sec. 9..	963
coasting on bicycles and sleds, penalty.	
Ords., Art. 25, Secs. 89, 90	988

POLICE REGULATIONS. Page**POLICE REGULATIONS.**

- (Cont'd).
- dangerous and unhealthy substances on streets prohibited, penalty, proviso.
Ords., Art. 25, Sec. 69.. 980
- penalty for.
Ords., Art. 25, Sec. 72.. 981
- dirt, lumber, etc., in streets, penalty, removal at expense of offender.
Ords., Art. 25, Sec. 73.... 981
- dogs at large.
—disposition of dogs taken up.
Ords., Art. 25, Sec. 10 964
- impounding of, by any witness.
Ords., Art. 25, Sec. 10 964
- penalty for owner, half of fine to informer.
Ords., Art. 25, Sec. 10 964
- recovery of dogs by owner.
Ords., Art. 25, Sec. 10 964
- enticing purchasers from stores, prohibited, penalty.
Ords., Art. 25, Sec. 94.... 989
- finest and penalties imposed, collection of.
Ords., Art. 25, Sec. 117 997
- fires and horseshoeing in streets, conditions of permit.
Ords., Art. 25, Sec. 75.... 983
- firearms and pistols, sales, gifts, etc., of, regulations for.
Ords., Art. 25, Secs. 78-85985-7
- fish—cleaning near fountains and pumps prohibited, penalty.
Ords., Art. 25, Sec. 39.. 971
- to be kept under cover; penalty.
Ords., Art. 25, Sec. 40.... 971
- garbage and garbage carts.
Ords., Art. 25, Secs. 41-49971-4
- gutters; owner or occupier of abutting property to keep clean, penalty.
Ords., Art. 25, Sec. 51 974

- (Cont'd).
- water from, not to be thrown in streets, penalty.
Ords., Art. 25, Sec. 50.. 974
- hand organs, street pianos, etc., not to play after 10.30 p. m., penalty.
Ords., Arts. 25, Sec. 111.. 995
- lamps, lamp posts and pillars, interfering with; penalty.
Ords., Art. 25, Sec. 57.. 976
- injury to, penalty, offender to pay cost of repairs.
Ords., Art. 25, Sec. 58.. 976
- landmarks of streets, penalty for defacing, etc.
Ords., Art. 25, Sec. 56.. 976
- malicious destruction of property, penalty.
Ords., Art. 25, Sec. 59.. 977
- museums of anatomy, display on streets unlawful, penalty.
Ords., Art. 25, Sec. 62,977-8
- newspaper representatives.
Ords., Art. 25, Secs. 63-66..... 978-9
- note 978
- obstruction of streets and gutters, by trade articles.
Ords., Art. 25, Sec. 67.. 979
- penalty for.
Ords., Art. 25, Sec. 72.. 981
- offensive fluids in streets, prohibited, penalty.
Ords., Art. 25, Sec. 52.. 975
- oil or other refuse liquids in streets, prohibited, penalty.
Ords., Art. 25, Sec. 53.. 974
- orders of Commissioner of Health to be executed by police.
Ords., Art. 25, Sec. 36.... 970
- parades in streets, permit required, transparencies prohibited, penalty.
Ords., Art. 25, Sec. 108.. 994
- Park Avenue, deposits of dirt, ice, sand, snow, on, prohibited, penalty.
Ords., Art. 25, Sec. 38.... 971

	Page
POLICE REGULATIONS.	
—(Cont'd).	
pistols and firearms, sales, gifts, etc., of, regulations for.	
Ords., Art. 25, Secs. 78-85	985-7
posting of, relating to fruit, etc., on sidewalks.	
Ords., Art. 25, Sec. 97....	990
public safety, provisions for.	
Ords., Art. 25, Secs. 86-90	987-8
public swings, flying horses, fakirs, etc., prohibited, penalty.	
Ords., Art. 25, Sec. 112.	995-6
salt, use of in melting snow.	
Ords., Art. 25, Sec. 77....	984
sewers, throwing waste matter into, prohibited, penalty.	
Ords., Art. 25, Sec. 95....	990
sidewalks, fruit, etc., substances on, unlawful, penalty.	
Ords., Art. 25, Sec. 96....	990
—owners or occupants of premises to keep clear.	
Ords., Art. 25, Sec. 71	980-1
slop carts across footways, prohibited, penalty.	
Ords., Art. 25, Sec. 54..	975
snow, removal of.	
Ords., Art. 25, Sec. 76	983-4
soliciting purchasers on streets, prohibited, penalty.	
Ords., Art. 25, Sec. 92....	989
sparring or boxing exhibitions, permit required, penalty.	
Ords., Art. 25, Sec. 102..	992
sprinkling and sweeping streets, to be sprinkled first, penalty.	
Ords., Art. 25, Sec. 55....	975
theatre tickets, sale on streets, prohibited, penalty.	
Ords., Art. 25, Sec. 93....	989

POLICE REGULATIONS.	Page
—(Cont'd).	
theatrical exhibitions, indecent, etc., penalty.	
Ords., Art. 25, Sec. 101..	992
—posters, defacing, consent of property owner, proviso.	
Ords., Art. 25, Secs. 105-6	993
trapeze performers, protecting net for.	
Ords., Art. 25, Secs. 103-104	992-3
trees and tree boxes, injury to, penalty.	
Ords., Art. 25, Sec. 107..	994
vaults and areas, information to Mayor and City Engineer of construction.	
Ords., Art. 25, Sec. 114..	996
—to be protected when open, penalty.	
Ords., Art. 25, Sec. 113,	996
Washington Monument, trespassing on grass or shrubbery around, penalty.	
Ords., Art. 25, Sec. 60....	977
water on newly paved streets, penalty.	
Ords., Art. 25, Sec. 116,	996-7
—ordinances, officers to report violations.	
Ords., Art. 25, Sec. 115,	996
windows, articles not to be thrown from, proviso.	
Ords., Art. 25, Sec. 86..	987
POLICE TAX,	
<i>See "Police Commissioners."</i>	
POLICE REGULATIONS AND PREVENTION OF FIRES,	
<i>"See Fire Department."</i>	
POLITICAL,	
parades—	
application for permit for.	
Ords., Art. 25, Sec. 109..	995
—police regulation of.	
Ords., Art. 25, Sec. 108..	994

POLITICAL.	Page
POLITICAL. —(Cont'd).	
parties—	
affected by primary election law.	
App. C, Sec. 1.....	1269
sentiment—	
not to affect employes of Fire Department.	
Ords., Art. 11, Sec. 4.....	737
POLL BOOKS,	
<i>See</i> "Police Commissioners."	
for primary elections.	
App. C, Sec. 1.....	1274
POLLUTION, of,	
city water.—	
erection of agency of pollution penalized; prohibited agencies described.	
Acts, Sec. 903.....	564
—fine for erection of agency of, and non-removal of same.	
Acts, Sec. 903.....	563
—penalty.	
Acts, Sec. 902.....	563
—unlawful modes of pollution defined.	
Acts, Sec. 902.....	563
harbor—	
(<i>See</i> "Harbor, Docks and Wharves.")	
Ords., Art. 13, Sec. 23....	782
POLYTECHNIC INSTITUTE,	
fee for tuition of non-resident pupils in.	
Ords., Art. 32, Sec. 34....	1055
graduates of, testimonials to.	
Ords., Art. 32, Sec. 12....	1047
insuring of city's interest in.	
Ords., Art. 6, Sec. 8.....	701
principals and professors of.	
Acts, Sec. 100.....	153
POOR,	
<i>See</i> "Indigent Poor."	
trustees of—	
<i>See</i> "Charities, Supervisors of City."	
	157

POWERS.	Page
PORK BUTCHERS AND PACKERS,	
keeping of hogs by.	
Ords., Art. 14, Sec. 198	
	865-866
PORT OF BALTIMORE,	
<i>See</i> "Quarantine Hospital."	
Ords., Art. 14, Sec. 5....	798
PORTABLE SCHOOL BUILDINGS,	
<i>See</i> "Buildings" and "Schools."	
Ords., Art. 32, Sec. 4....	1044
POSITION OF VEHICLES IN STREETS,	
<i>See</i> "Vehicles."	
POSSE COMITATUS,	
Sheriff may summon.	
Acts, Sec. 748.....	461
POSSESSION OF PROPERTY,	
<i>See</i> "Adverse Possession."	
POST MORTEM EXAMINATIONS,	
<i>See</i> "Health."	
Medical Examiner and assistant to make.	
Ords., Art. 14, Sec. 3....	797
POSTPONEMENT OF CASES,	
Acts, Sec. 311.....	265
POTTER'S FIELDS,	
<i>See</i> "Health."	
Ords., Art. 14, Sec. 136	
	838-839
POWER, WATER FOR,	
permit required, penalty.	
Ords., Art. 41, Sec. 54....	1217
	1218
POWERS,	
appointment and removal.	
note.....	106

POWERS.—(Cont'd).

Page

Corporate,(See "*Corporate Powers.*")

- cases in relation to.
 - Acts, Sec. 2, foot-note.. 41
- money, assets, etc., may receive same.
 - Acts, Sec. 2.....41-42
- property, power to hold and dispose of.
 - Acts, Sec. 1..... 41
- suits, power to sue and be sued.
 - Acts, Sec. 1..... 41
- vested in City Council and Mayor.
 - Acts, Sec. 218..... 215

PRACTICE,

and procedure—

(See "*Courts—Law Courts of Baltimore City.*")

- in appeals—
 - assessments of taxes.
 - Acts, Sec. 170..... 185

in law courts of Baltimore City.

(See "*Courts—Law Courts of Baltimore City.*")**PRACTICE ACT FOR BALTIMORE CITY.**

Acts, Secs. 312-315....265-269
 (See "*Courts—Law Courts of Baltimore City.*")

- notes of decisions of Baltimore City Courts.
 - note..... 267

PRATT FREE LIBRARY,

- acceptance of gift.
 - Ords., Art. 26, Sec. 1.... 999
- accounts and books of trustees of.
 - Acts, Sec. 789..... 487
- amount of fund.
 - Ords. Art. 26, preamble 999
- annuity of \$50,000, payment of.
 - Ords., Art. 26, Sec. 5....1001
- appointment of visitor.
 - Acts, Sec. 789..... 487
- authority to accept gift.
 - Ords., Art. 26, preamble 998

PRATT FREE LIBRARY.

—(Cont'd).

- bequests, conveyances, devises, gifts of property, power to receive.
 - Acts, Sec. §789a..... 488
- conditions of gift.
 - Ords., Art. 26, preamble 988
- contract of acceptance of gift.
 - Ords., Art. 26, Sec. 1..... 999
- deed of acceptance, report of trustees.
 - Ords., Art. 26, Sec. 2.... 999
 -1000
- interest on fund, investment of.
 - Ords., Art. 26, Sec. 4.1001
- investment of fund.
 - Ords., Art. 26, Sec. 3....1000
 - note.....1000
 - preamble 998
- property, power to receive gifts of.
 - Acts, Sec. §789a 488
- taxes, property of, exempt from.
 - Acts, Sec. 790..... 488
- title to property of.
 - Acts, Sec. §789a..... 488
- trustees, abuse of power by.
 - Acts, Sec. 789..... 487
- visitor to, to examine accounts and make report.
 - Acts, Sec. 789..... 487

PRATT STREET,

- locomotives to be used on.
 - Ords., Art. 30, Sec. 13....1019
- vehicles, stands for prohibited.
 - Ords., Art. 4, Sec. 32..... 691
- widening of by Burnt District Commission.
 - App. A, Sec. 27.....1255-1256

PRECAUTIONS IN CASE OF FIRE,

- buildings of a public character.
 - Ords., Art. 3, Secs. 84-85..... 629

PRECINCTS,

See "*Legislative Districts, Wards.*"

	Page
PRATT STREET,	
cattle pens—	
driving cattle to and from.	
Ords., Art. 25, Sec. 24..	967
PREMIUMS ON LOANS,	
<i>See "Stocks, Loans and Finance."</i>	
investment of in Sinking Fund.	
Ords., Art. 34, Sec. 15..	1081
	1082
PRESENTMENT OR INDICTMENT,	
assault and battery, necessary averments in.	
Acts, Sec. 231.....	231
PRESIDENT SECOND BRANCH,	
primary elections for.	
App. C, Sec. 2.....	1275-1276
PRESIDENT STREET,	
locomotives to be used on.	
Ords., Art. 30, Sec. 13..	1020
PREVENTION OF FIRES,	
<i>See "Fire Department and Fire Regulations."</i>	
PROVISIONS, VEGETABLES, ETC.	
<i>See "Markets."</i>	
Ords., Art. 23, Sec. 48	
	933-934
PRIMARY ELECTIONS,	
Mayor, Comptroller, President Second Branch and members of City Council,	
affiliation of voters.	
App. C, Sec. 2.....	1275-1276
—election day.	
App. C, Sec. 2.....	1275
—party affiliation.	
App. C, Sec. 2.....	1275
—registration of voters, marking of registry.	
App. C, Sec. 2.....	1275-1276
—voters, changes in column, "party affiliation" when to be made.	
App. C, Sec. 2.....	1276

	Page
PRIMARY ELECTIONS.	
—(Cont'd).	
—explanations to be made to.	
App. C, Sec. 2.....	1275
—not required to state affiliation.	
App. C, Sec. 2.....	1275
—rights of affiliated voters.	
App. C, Sec. 2.....	1276
selection of candidates and delegations.	
—affiliation of voters.	
App. C, Sec. 1.....	1273
—ballots, position of names on.	
App. C, Sec. 1.....	1273
—preparation of.	
App. C, Sec. 1.....	1271
—sample ballots, printing of, when not required.	
App. C, Sec. 1.....	1272
—sets of required.	
App. C, Sec. 1.....	1273
—when names of candidates shall be excluded from.	
App. Sec. 1.....	1270
—books of registry.	
App. C, Sec. 1.....	1271
—candidates, certificates of, filing certificates.	
App. C, Sec. 1.....	1272
—counting of votes for.	
App. C, Sec. 1.....	1273
—nominations by direct vote.	
App. C, Sec. 1.....	1270
—payment required of.	
App. Sec. 1.....	1272
—printing names on ballots, requirements.	
App. C, Sec. 1.....	1271
—when names shall not be placed on ballots.	
App. C, Sec. 1.....	1270
—challengers.	
App. C, Sec. 1.....	1273
—congressional and national elections, proviso.	
App. C, Sec. 1.....	1274-1275
—conventions, nominations by.	
App. C, Sec. 1.....	1270
—date of primary elections.	
App. C, Sec. 1.....	1270
—delegates to conventions.	
App. C, Sec. 1.....	1270

PRIMARY ELECTIONS.

Page

—(Cont'd).

- delegations, certificates of,
filing certificates.
App. C, Sec. 1.....1272
- payment required of.
App. C, Sec. 1.....1272
- elections to which law
applies.
App. C, Sec. 1.....1274-1275
- expenses of elections here-
under.
App. C, Sec. 1.....1272
- nominations of candidates
by direct vote or by con-
ventions.
App. C, Sec. 1.....1270
- notice of primary elections.
App. C, Sec. 1.....1270-1271
- offences, penalties for.
App. C, Sec. 1.....1274
- political parties embraced
by provisions of Act.
App. C, Sec. 1.....1269
- poll books.
App. C, Sec. 1.....1274
- position of names on
ballots.
App. C, Sec. 1.....1273
- primary elections, date and
notice of.
App. C, Sec. 1.....1270-1271
- registration books.
App. C, Sec. 1.....1270
- voters, affiliation of.
App. C, Sec. 1.....1273
- counting of.
App. C, Sec. 1.....1273
- voting places.
App. C, Sec. 1.....1271
- supervisors of elections—
- additional compensation for.
App. C, Sec. 3.....1276
- clerical assistance, addi-
tional compensation for.
App. C, Sec. 3.....1276-1277
- expenses hereunder, pay-
ment of by city.
App. C, Sec. 3.....1277

PRINTED MATTER,

for consumptives.

App. B, Sec. 5.....1267-1268

PRINTER,*See* "Public Printer."

Acts, Sec. 208.....209

Ords., Art. 29, Secs. 1-16
.....1008-1012**PRINTING AND STATION-
ERY,***See* "Librarian," *Public
Printer* and "Schools."committee to order, payment
of printer.

Ords., Art. 29, Sec. 3.....1008

PRIORITY OF LIENS,*See* "Mortgages."**PRISON FARE,***See* "Jail."prisoners in jail to be kept
on.

Acts, Sec. 138.....167

PRISONERS,**In City Jail,**

- commitments directed to
Warden, receive prison-
ers.
Acts, Sec. 131.....166
- earnings of, allowance on
discharge.
Acts, Sec. 124.....164
- escape of, Warden respon-
sible.
Acts, Sec. 127.....165
- medical attendance to.
Acts, Sec. 121.....163
- prisoners awaiting trial to
be confined separately.
Acts, Sec. 140.....168
- prison fare only, to be al-
lowed.
Acts, Sec. 138.....167
- reduction of sentence for
good behavior.
Acts, Sec. 139.....167-168
- removal of to almshouse
when affected by disease,
or on becoming insane.
Acts, Sec. 144.....169
- separate confinement of
certain prisoners.
Acts, Sec. 140.....168
- Warden to conduct to and
from court.
Acts, Sec. 132.....166

PRIVATE—carriages—when used for
hire.

Ords., Art. 41, Sec. 82.....1227

drains—

(See "Sewers.")

	Page
PRIVATE. —(Cont'd).	
property—dumping refuse on, forbidden, penalty.	
Ords., Art. 14, Sec. 111	
112.....	130-131
—sewers on.	
Acts, Sec. 818.....	504
pumps—	
Ords., Art. 40, Secs. 33, 34.....	1188
sales—sheds, obstructions, etc., on property taken in opening, etc., streets to be sold at.	
Acts, Sec. 176.....	193
sewers—	
(“ <i>See Sewers.</i> ”)	
—construction, permit for, penalty, application for permit.	
Ords., Art. 33, Sec. 24, 1074	
streets, wharves, etc.	
—cleaning, repairing, etc.	
(<i>See “Health” and “Streets and City Engineer.”</i>)	
Acts, Sec. 833.....	525
weighing of hay and straw.	
(<i>See “Inspections, Weights and Measures.”</i>)	
wharves—	
(<i>See “Harbor, Docks and Wharves” and “Streets and City Engineer.”</i>)	
Ords., Art. 13 Sec. 12,	776-777
PRIVIES.	
<i>See “Health.”</i>	
Ords., Art. 14, Sec. 137, 839	
apparatus for cleaning to be odorless.	
Ords., Art. 14, Sec. 149, 843	
bonds of cleaners of.	
Ords., Art. 41, Sec. 45, 1213	1214
carts for cleaning.	
Ords., Art. 41, Sec. 45, 1213	
cleaners of, to give bond.	
Ords., Art. 14, Sec. 142, 840	
cleaning—by owner when offensive.	
Ords., Art. 14, Sec. 143, 841	

	Page
PRIVIES. —(Cont'd).	
—during the day, proviso.	
Ords., Art. 14, Sec. 141, 840	
—records relating to.	
Ords., Art. 14, Sec. 148, 842	
contents, emptying and re- moval of.	
Ords., Art. 14, Sec. 140, 840	
employers to provide separate privies for each sex.	
Ords., Art. 14, Sec. 158,	845-846
licenses—applications for.	
Ords., Art. 41, Sec. 44, 1213	
—cleaning privies, wells and sinks.	
Ords., Art. 41, Sec. 44, 1203	
—for removal of contents of.	
Ords., Art. 14, Sec. 140, 840	
penalty for sinking vaults of, under sidewalks or streets.	
Ords., Art. 14, Sec. 153, 844	
permits to empty, penalty when emptied without per- mit.	
Ords., Art. 14, Sec. 144, 841	
refuse in wells of, prohibited, penalty.	
Ords., Art. 14, Sec. 147, 842	
vaults for not to be under pavements or streets.	
Ords., Art. 14, Sec. 152, 843	
violation of provisions relat- ing to, penalty.	
Ords., Art. 14, Sec. 139	839-840
wells of, to be built for one house.	
Ords., Art. 14, Sec. 137, 839	
—to be used for one house; no conflict with existing regulations.	
Ords., Art. 14, Sec. 138.....	839
PRIVIES, AND CESS POOLS,	
prohibited in cow stables.	
Ords., Art. 14, Sec. 43, 809	
PRIVIES, SINKS AND CESS- POOLS,	
abandonment of, on com- pletion of new sewerage system.	
Acts, Sec. §824g.....	516-517

	Page
PROBATION OFFICERS,	
See "Police Commissioners."	
appointment of by Supreme Bench.	
Acts, Secs. 886A, 886B,	561-562

PROCEDURE,

assessment of benefits and damages; city to determine procedure.	
Acts, Sec. 818.....	504
of City Council.	
(See "City Council" and "Ordinances and Resolutions.")	

PROCEEDINGS,

See "Police Commissioners."	
condemnation of property for sewers.	
meeting of Commissioners.	
Ords., Art. 33, Sec. 6.....	1063

PROCEEDS OF,

auction duties.	
—application of.	
Acts, Sec. 274.....	245
mortgagee's sales.	
(See "Mortgages.")	

PROHIBITED,

franchises.	
Acts, Sec. 8	95
manufactures.	
—consent of property holders within specified distance necessary; penalty.	
Ords., Art. 14, Sec. 74..	819
structures.	
—footways in Burnt District; limits of.	
Ords., Art. 35, Sec. 15.....	1095

PROHIBITING TRACKS ON CERTAIN STREETS,

list of streets on which tracks are prohibited without consent of General Assembly.	
—Baltimore street, bet. Park ave. and Canton st.	
Act, Sec. 801.....	497
—Barclay street.	
Acts, Sec. 801	497

PROHIBITING TRACKS ON CERTAIN STREETS.—(Cont'd.

—Biddle st., bet. Broadway and Maryland ave.	
Acts, Sec. 801.....	497
—Broadway, from Baltimore st. to North ave.	
Acts, Sec. 801.....	497
—Calvert st., from Read st. to city limits.	
Acts, Sec. 801.....	497
—Caroline st., bet. Preston st. and North ave.	
Acts, Sec. 801	497
—Cathedral st., bet. Saratoga st. and Mt. Royal ave.	
Acts, Sec. 801	497
—Cedar ave; proviso.	
Acts, Sec. 801	497
—Chase st., bet. Broadway and Maryland ave.	
Acts, Sec. 801.....	497
—Eager st., bet. Park ave. and Wolfe st.	
Acts, Sec. 801	497
—Elm ave; proviso.	
Acts, Sec. 801.....	497
—Eutaw Place, bet. North ave. and Druid Hill Park.	
Acts, Secs. 836-7.....	527
—Evergreen Terrace, bet. Fulton ave. and Orem lane.	
Acts, Sec. 801	497-498
—Gough st., from Bond st. easterly to Patterson Park ave.	
Acts, Sec. 801	497
—Hampden st; proviso.	
Acts, Sec. 801	497
—Hanover st., bet. Lee st. and Spring Garden Harbor.	
Acts, Sec. 801.....	497
—Lombard st., bet. Patterson Park ave. and Exeter st.	
Acts, Sec. §801a	498
—McCulloh st., bet. Eutaw st. and North ave.	
Acts, Sec. 801.....	497
—Merryman's lane; proviso.	
Acts, Sec. 801	497
—Mt. Royal ave., bet. Guilford ave. and North ave.	
Acts, Sec. 801.....	496-497
—Oak st; proviso.	
Acts, Sec. 801.....	497

Page

**PROHIBITING TRACKS ON
CERTAIN STREETS.—(Cont'd).**

- Old York road, from York
turnpike to Willow ave.
in city and county.
Acts, Sec. 801..... 497
- St. Paul st., from Baltimore
st. northerly to Hunting-
don ave.
Acts, Sec. 801..... 497
- Lake Roland Elevated Rail-
way Company; removal of
tracks of from certain
streets.
Acts, Sec. 801..... 497
- streets, or parts of streets
on which tracks are pro-
hibited.
Acts, Sec. 801..... 496-498
Acts, Sec. §801a..... 498

PROMISSORY NOTES,

*See "Bills of Exchange and
Promissory Notes."*

PROPERTY,

- corporate.
- power to hold and dispose of.
Acts, Sec. 1..... 41
- discovered.
- assessment of.
Acts, Sec. 169..... 184
- holders.
- bowling alleys, etc., assent
of, necessary.
Ords., Art. 41, Sec. 5.... 1197
- complaints against slaugh-
ter houses by.
Ords., Art. 14, Sec. 195
..... 864
- In custodia legis.*
- decisions relating to.
note..... 182
- city property.
(*See "Police Commissioners."*)
- accounts of, to be kept by
Commissioners of Fi-
nance.
Ords., Art. 34 Sec. 14.. 1081
- decisions as to disposal of.
Acts, Sec. 13, note..... 98
- disposal of property not
needed.
Acts, Sec. 13..... 98

Page

PROPERTY.—(Cont'd).

- examinations of titles to.
Ords., Art. 5, Secs. 1-3
..... 695-696
 - grading and paving in front
of when owners make
application.
Ords. Art. 35, Sec. 59.... 1111
 - lease of.
Acts, Sec. 13..... 98
 - monies from sale or rent of
to be invested in city
stock.
Ords. Art. 34, Sec. 11.. 1079
 - perishable and movable.
(*See "Librarian" and "Per-
ishable and Movable City
Property."*)
Ords., Art. 21, Secs. 1-
4..... 904-906
 - renewals of leases for.
Acts, Sec. 12..... 97
 - sale of.
Acts, Sec. 13..... 98
 - fire companies.
(*See "Fire Commissioners."*)
Ords., Art. 11, Sec. 15.. 741
 - fire department.
 - fire commissioners to con-
trol.
Ords., Art. 11, Sec. 8..... 738
 - owners.
 - definition of, for removal of
nuisances.
Ords., Art. 14, Sec. 91.. 825
 - seized by police.
(*See "Police Commissioners."*)
 - sold for taxes.
(*See "City Collector" and "Tax
Sales."*)
 - chattels, disposition of pro-
ceeds from sale of.
Acts, Sec. 50..... 127
 - owner may redeem, repay-
ment to purchaser.
Acts, Sec. 47..... 125
 - owner of reversionary inter-
est may redeem.
Acts, Sec. §47a..... 125
- PROPOSALS,**
- advertisement of.
Acts, Sec. 14..... 98
 - mode and manner of adver-
tising.
Acts, Sec. 14..... 98

PROSECUTING WITNESS, Page
See "Acquittals."

name of to be indorsed on
 presentment by Grand Jury.
 Acts, Sec. 343..... 279

PROTECTION,

of pavements.
 prohibiting travel on.
 Acts, Sec. 6..... 80

of street surfaces.

(*See "Streets and City Engi-
 neer."*)
 Ords., Art. 35, Sec. 116,
1137-1138

**PROVISIONS, PURVEYOR
 OF,**

appointment, duties, annual
 account.
 Acts, Sec. 115 161

bond of.
 Acts, Sec. 116 162

**PROVISIONS, VEGETABLES,
 ETC.**

See "Markets."
 Ords., Art. 23, Sec. 48,
933-934

PUBLIC BATHS,

commission—annual report of
 to Mayor, etc.
 Ords., Art. 27, Sec. 4.....1003
 —appointment of seven per-
 sons on.
 Ords., Art. 27, Sec. 1.....1002
 —powers of.
 Ords., Art. 27, Sec. 2.....1002
 —to control, maintain and
 operate.
 Ords., Art. 27, Sec. 3.....1002

property conveyed by Henry
 Walters, Esquire, for use as.
 Ords., Art. 27, Sec. 5.....1003

PUBLIC BUILDINGS,

*See "Superintendent of Public
 Buildings."*
 Acts, Sec. 207..... 209

chimneys not to emit dense
 smoke.
 Ords., Art. 14, Sec. 122.. 833

employes—number and pay
 of.
 Ords., Art. 28, Sec. 21005

PUBLIC BUILDINGS.—(Cont'd). Page

—not to absent themselves
 without permission of
 Superintendent.

Ords., Art. 28, Sec. 5.....1006

—to serve in any building to
 which assigned.
 Ords., Art. 27, Sec. 3.....1006

flags on to be raised on holi-
 days.
 Ords., Art. 28, Sec. 6.....1006

note.....1004

Superintendent of, buildings
 in charge of, bond of.
 Ords., Art. 28, Sec. 1.....1004

watchmen, substitutes of to be
 approved by Superintend-
 ent of.
 Ords., Art. 28, Sec. 4.....1006

**PUBLIC BUILDINGS, STREET
 CARS, ETC.,**

expectoration in, notice for-
 bidding.
 Ords., Art. 14, Sec. 102.. 828

PUBLIC DEBT,

payment of principal and in-
 terest, funds applied to.
 Ords., Art. 34, Sec. 13....1081

PUBLIC EASEMENTS,

See "Franchises."

PUBLIC HEALTH,

*See "Health" and "Quaran-
 tine Hospital."*

PUBLIC HIGHWAYS,

gifts of property for streets to
 become.
 Acts, Sec. 194..... 202

streets opened, to be.
 Acts, Sec. 832.....524-25

PUBLIC IMPROVEMENTS,

Art Commission to approve.
 Acts, Sec. 202..... 207

bills for; when to be paid.
 Ords., Art. 6, Sec. 5..... 700

Board of—duties; sphere.
 Acts, Sec. 84..... 143

PUBLIC IMPROVEMENTS. Page

- (Cont'd).
 —opinion on public improvements where cost exceeds \$2000.
 Acts, Sec. 85..... 144

- department of—composition of.
 Acts, Sec. 84..... 143

PUBLIC PRINTER AND PRINTING,

See "City Council."

- bills, approval of, by Committee.
 Ords., Art. 29, Sec. 4.....1009
 —for printing, approval of.
 Ords., Art. 29, Sec. 1.....1008

- bond of.
 Acts, Sec. 208..... 210

- clerks of City Council to furnish proceedings, etc., to.
 Ords., Art. 1, Sec. 21..... 577

- Committee to order printing, chairman to sign orders.
 Ords., Art. 29, Sec. 3.....1008

- duties of.
 Acts, Sec. 208..... 210

- election of—by City Council.
 Acts, Sec. 208..... 209

- execution of work by, how paid.
 Ords., Art. 29, Sec. 2.....1008

- indexer, employment of by President of Second Branch, compensation.
 Ords., Art. 29, Sec. 17.....1012

- joint standing committee on stationery and printing, appointment, duties.
 Ords., Art. 29, Sec. 1.....1008

- journals of City Council, binding.
 Ords., Art. 29, Sec. 8.....1010

- prices.
 Ords., Art. 29, Sec. 7.....1010

- specifications for; copies of.
 Ords., Art. 29, Sec. 6.....1009

- Mayor's message and department reports, binding, prices.
 Ords., Art. 29, Sec. 15.....1012

PUBLIC PRINTER AND PRINTING.— (Cont'd).

- prices.
 Ords., Art. 29, Sec. 12.....1011
 —printing, paper, etc.
 Ords., Art. 29, Sec. 11.....1011

- Mayor's message—additional copies of; prices.
 Ords., Art. 29, Sec. 14.....1011
 —printing and binding.
 Ords., Art. 29, Sec. 13.....1011

- miscellaneous printing, specifications, prices.
 Ords., Art. 29, Sec. 16.....1012

- orders for printing, issue of, record of, delivery of work.
 Ords., Art. 29, Sec. 3.....
1008-09

- ordinances and resolutions, number of copies.
 Ords., Art. 29, Sec. 9.....1010
 —specifications, prices, binding.
 Ords., Art. 29, Sec. 10.....1010

- page, size and type to be uniform; specifications for.
 Ords., Art. 29, Sec. 5.....1009

- qualifications of.
 Acts, Sec. 208..... 209

- term of office.
 Acts, Sec. 208..... 209

PUBLIC,

Property,

- acquisition by condemnation.
 Acts, Sec. 6.....48, 49
 —sewers on.
 Acts, Sec. 818..... 504
 —title of city thereto inalienable.
 Acts, Sec. 7..... 94

Safety,

- department of—composition of.
 Acts, Sec. 31..... 109
 —Fire Commissioners, Board of.
 Acts, Sec. 69..... 137
 —police regulations for.
 Ords., Art. 25, Secs. 86-90.....987-8

squares — sheep not to be driven along.
Ords., Art. 25, Sec. 12.... 964

stands for carriages.
(See "*Hackney Carriages and Coaches.*")

structures—Art Commission to approve.
Acts, Sec. 203..... 207

swings, etc.,—flying horses, fakirs and patent medicine venders, prohibited, penalty.
Ords., Art. 25, Sec. 112.....995-6

wharves.—(See "*Harbor, Docks and Wharves.*")
Ords., Art. 13, Sec. 12.....776, 777

PUBLICATION of,

damages, etc., in street openings, etc.,—notice, contents of.
Acts, Sec. 177..... 194

notice—where owner cannot be found.
Ords., Art. 14, Sec. 85.... 823
—opening, etc., streets. (See "*Streets, Bridges and Highways,*" sub-title "*Opening etc., Streets.*")

ordinances — opening, etc., streets.
Acts, Sec. 828.....522, 523
Sec. 829..... 523
Sec. 831..... 524

PUBLICATIONS in,

newspapers. (See "*Advertisements.*")

PULMONARY TUBERCULOSIS,

See "*Health*" and "*Tuberculosis.*"
Ords., Art. 14, Sec. 32.... 806

PUMPS, FOUNTAINS AND SPRINGS,

erection and regulation of.
Acts, Sec. 6..... 65

PUMPS,

injury to pumps.
Ords., Art. 40, Sec. 32....1188

penalties relating to.
Ords., Art. 40, Sec. 35....1189

private pumps—owners to take care of.
Ords., Art. 40, Sec. 34....1188
—supervision of Water Engineer.
Ords., Art. 40, Sec. 33....1188

removal of unused pumps.
Ords., Art. 40, Sec. 37....1189

signs on condemned pumps.
Ords., Art. 40, Sec. 36....1189

PUMPS AND SPRINGS,

erection and regulation of.
Acts, Sec. 6..... 65

PUPILS OF SCHOOLS,

contagious diseases among, duty of parents and physician.
Ords., Art. 32, Sec. 35....1056

resident and non-resident, tuition of, fees for.
Ords., Art. 32, Secs. 32-34.....1054-6

PURE FOOD,

See "*Health.*"
Ords., Art. 14, Sec. 57.... 813

QUARANTINE HOSPITAL,

See "*Health.*"
Ords., Art. 14, Secs. 159-178.....846-858
Sec. 169..... 852

General Provisions,

employes of, wages, proviso.
Ords., Art. 14, Sec. 160.....846, 847

expenses—to be paid by masters or owners of vessels.
Ords., Art. 14, Sec. 162.....847, 848

grounds of quarantine—designation of.
Ords., Art. 14, Sec. 162.....847-8

QUARANTINE HOSPITAL, Page
—(Cont'd).

General Provisions.—(Cont'd).

—location of.
Ords., Art. 14, Sec. 159.. 846

passengers maintained at
expense of masters of
vessels.
Ords., Art. 14, Sec. 171..
.....853, 854

patients to be admitted to.
Ords., Art. 14, Sec. 165.. 850

persons to be sent to;
regulations for; penalty
for violation.
Ords., Art. 14, Sec. 169..
.....852, 853

supplies for.
Ords., Art. 14, Sec. 175.. 856

Quarantine Hospital Physician,

—appointment and duties.
Acts, Sec. 75..... 139
Ords., Art. 14, Secs. 159-
178.....846-858

—bond of; further duties.
Ords., Art. 14, Sec. 161.. 847

—charges for inspection;
payment of charges, how
enforced; penalty.
Ords., Art. 14, Sec. 173..
.....855, 856

—charges for patients; col-
lection of charges.
Ords., Art. 14, Sec. 174..
.....856, 857

—cleaning of vessels after
discharge of cargoes;
penalty for neglect by
master.

Ords., Art. 14, Sec. 163.. 849

—disinfection of ships and
cargoes; expenses of.
Ords., Art. 14, Sec. 162..
.....847, 848

—duties of.
Ords., Art. 14, Sec. 5..... 798

—duties of; reports of.
Ords., Art. 14, Sec. 159.. 846

—employment of necessary
help at Quarantine Hos-
pital.
Ords., Art. 14, Sec. 160..
.....846, 847

QUARANTINE HOSPITAL, Page
(Cont'd).

—inquiry of masters con-
cerning infected vessels.
Ords., Art. 14, Sec. 164..
.....849, 850

—inspection—all vessels from
sea at Quarantine grounds
Ords., Art. 14, Sec. 162..
.....847, 848

—penalties for violating
rules and regulations of.
Ords., Art. 14, Sec. 172..
.....854-55

—qualifications, residence.
Acts, Sec. 75..... 139

—return of goods and bag-
gage of vessels disinfect-
ed.
Ords., Art. 14, Sec. 176..
.....856, 857

—rules, regulations and
orders of; penalty for
violating.
Ords., Art. 14, Secs. 162,
164, 172..
.....847, 850, 854, 855

—salary and residence of.
Acts, Sec. 76..... 140

—vaccination of crews and
passengers; charges.
Ords., Art. 14, Sec. 177.. 857
—vessels exempt from; pro-
viso.

Ords., Art. 14, Sec. 167.. 851
—from points north of Cape
Henry.

Ords., Art. 14, Sec. 168.. 852
—infected with disease;
regulations relating to;
penalty.

Ords., Art. 14, Sec. 164..
.....849, 850

QUIETING CLAIMS,

payment of damages in court
in cases of disputes in open-
ing, etc., streets.
Acts, Sec. 827..... 521

RACES,

police at.
Acts, Sec. 774.....474

RAILROAD EMPLOYES,

arrest of thieves and pick-
pockets by.
Acts, Sec. 784.....485-486

RAILROADS AND RAILWAYS,

all night cars, hours for running.	
Ords., Art. 30, Sec. 22,	1023
assessments for tracks.	
Acts, Sec. 6.....	66
assessment proceedings.	
Acts, Sec. 6.....	66
—appeals in.	
Acts, Sec. 6.....	66
—jury trials in.	
Acts, Sec. 6.....	66
bed and tracks of street railways.	
—bridges, form of rail to be used on, penalty.	
Ords., Art. 30, Sec. 23,	1023
—cost of repairs by street for railways.	
Ords., Art. 30, Sec. 26,	1025
—failure of street railways to keep street in repair, duty of City Engineer.	
Ords., Art. 30, Sec. 26,	1024-1025
—penalty for failure of company to keep streets in repair.	
Ords., Art. 30, Sec. 26,	1025
—repair of by City Engineer.	
Ords., Art. 30, Sec. 26,	1024
—space between tracks and two feet on each side to be kept in repair, penalty.	
Ords., Art. 30, Sec. 24,	1024
—sprinkling of streets required.	
Ords., Art. 30, Sec. 28,	1028
cars of steam railroads, cars on turnouts and switches not to obstruct streets, penalty.	
Ords., Art. 30, Sec. 5,	1017
—coal cars not to be unloaded on streets, penalty.	
Ords., Art. 30, Sec. 3,	1016
.....	1017
—foot passenger carts or drays not to be obstructed by.	
Ords., Art. 30, Sec. 6,	1017
—how long to remain in street.	
Ords., Art. 30, Sec. 1,	1015

RAILROADS AND RAILWAYS.—(Cont'd).

—loading and unloading of cars except at authorized places forbidden, penalty.	
Ords., Art. 30, Sec. 3,	1016
—movement down grade, penalty.	
Ords., Art. 30, Sec. 9,	1018
—movement of cars in streets, penalty against movement by unauthorized persons, penalty.	
Ords., Art. 30, Sec. 2,	1016
—not to stand in street on Sunday, proviso.	
Ords., Art. 30, Sec. 1.....	1016
—obstruction of street crossings by, penalty.	
Ords., Art. 30, Sec. 4,	1017
—penalty for breaking or removing fastenings of cars in streets.	
Ords., Art. 30, Sec. 1,	1015
.....	1016
—space required between cars standing on streets.	
Ords., Art. 30, Sec. 6,	1017
—speed of on streets, penalty.	
Ords., Art. 30, Sec. 7,	1018
—wagon ways on streets to be kept clear, penalty.	
Ords., Art. 30, Sec. 6,	1017
cars of street railroads, cars standing in street to be chained.	
Ords., Art. 30, Sec. 1,	1015
construction of, altering of when street obstructed.	
Ords., Art. 30, Sec. 19,	1021
.....	1022
—City Engineer to examine.	
Ords., Art. 30, Sec. 18,	1021
—direction by City Engineer of, cost of removal or alteration of obstructing tracks.	
Ords., Art. 30, Sec. 19,	1022
—failure of company to remove or alter tracks, penalty.	
Ords., Art. 30, Sec. 19	1022
—Mayor to enforce ordinances relating to removal of tracks, proviso.	
Ords., Art. 30, Sec. 18,	1021

RAILROADS AND RAILWAYS.—(Cont'd).

	Page
—obstruction of gutters prohibited, City Engineer to give notice, removal or alteration of tracks by City Engineer at expense of railways.	
Ords., Art. 30, Sec. 30,	1022
—obstruction of streets by.	
Ords. Art. 30, Sec. 18,	1021
—removal of tracks where obstructing streets.	
Ords., Art. 30, Sec. 19,	1021
—to conform to requirements of ordinances.	
Ords., Art. 30, Sec. 18,	1021
—tracks on streets.	
Acts, Sec. 6	66
coupon tickets required.	
Acts, Sec. §792a	489
decision relating to.	
Acts, Sec. 6, Note	67
easements in annex.	
(See "Park Tax.")	
—acquisition of by city where same are exempt from Park Tax.	
Acts, Sec. §800a	494
—park tax—modification of upon acquisition of said easements by city; scheme or plan of modification, proviso.	
Acts, Sec. §800a	494-495
—in annex—street railway franchises to be perpetual in cases where the easements acquired by city was in perpetuity.	
Acts, Sec. §800a	495
general powers.	
Acts, Sec. 6	66
grades of streets—alterations for railroads.	
Acts, Sec. 6	66
gutters obstructed by railway tracks; duty of.	
Ords., Art. 30, Sec. 20	1022
hours of labor.	
—agreement for longer hours, unlawful.	
Acts, Sec. 793	490

RAILROADS AND RAILWAYS.—(Cont'd).

	Page
—Attorney General of State to proceed against charter.	
Acts, Sec. 794	491
—contracts for longer hours unlawful.	
Acts, Sec. 793	491
—forfeiture of charter for violations.	
Acts, Sec. 794	491
—limiting hours to 12.	
Acts, Sec. 793	490
—penalty.	
Acts, Sec. 795	491
inspection of work in streets by City Engineer.	
Ords., Art. 35, Sec. 10	1093-94
locomotive engines; bells to be rung at crossings; penalty.	
Ords., Art. 30, Sec. 14	1020
—coal and coke may be used as fuel; proviso.	
Ords., Art. 30, Sec. 16	1021
—cross streets and crossings; bells of locomotives to be rung at; penalty.	
Ords., Art. 30, Sec. 14	1020
—penalty for running on tracks without authority.	
Ords., Art. 30, Sec. 15	1020
—precautions in use of.	
Ords., Art. 30, Sec. 14	1020
—steam whistles of, not to be blown in city limits; penalty.	
Ords., Art. 30, Sec. 14	1020
—wood not to be used as fuel without permission of city.	
Ords., Art. 30, Sec. 16	1020
obstruction of streets by railway tracks; duty of.	
Ords., Art. 30, Sec. 21	1022
Park Tax.	
—accounts and books, Board of Park Commissioners to examine.	
Acts, Sec. 798	492-3
—car fare registers, examination of.	
Acts, Sec. 798	492-3

	Page
RAILROADS AND RAILWAYS.—(Cont'd).	
—collection of penalties.	
Acts, Secs. 798-799.....	492-3
—default in payment.	
Acts, Sec. 799.....	493
—false certification of accounts.	
Acts, Sec. 800.....	493
—gross receipts, tax on.	
Acts, Sec. 797.....	492
—payment of, quarterly.	
Acts, Sec. 797.....	492
—penalty for obstructing examination of accounts.	
Acts, Sec. 798.....	492-3
—for default in payment.	
Acts, Sec. 799.....	493
—for false certification of accounts.	
Acts, Sec. 800.....	493
Paving Commission, pavement between and two feet on either side of tracks.	
Acts, Sec. §841r.....	544
penalty for officers, agents, etc.	
Acts, Sec. §792d.....	490
repair of streets to be a condition in grant of franchises.	
Ords., Art. 30, Sec. 25..	1024
safety gates at grade crossings.	
Acts, Sec. 791.....	488-9
—erection and operation.	
Acts, Sec. 791.....	488-9
—grade crossings, erection at.	
Acts, Sec. 791.....	488-9
—penalty.	
Acts, Sec. 792.....	489
stop of trains at principal station.	
Acts, Sec. §792c.....	490
stop-over privilege in tickets, proviso.	
Acts, Sec. §792b.....	490
street cars in motion; crossing open streets to stop; penalty.	
Ords., Art. 30, Sec. 32..	1026
—speed through markets.	
Ords., Art. 30, Sec. 30..	1026

	Page
RAILROADS AND RAILWAYS.—(Cont'd).	
street railway fares.	
—fares, rates of.	
Acts, Sec. 796.....	491-2
—maximum rate, proviso.	
Acts, Sec. 796.....	491-2
—transfers, free, proviso.	
Acts, Sec. 796.....	491-2
streets, use of, by.	
Acts, Sec. 6.....	67
tickets, coupons attached.	
Acts, Sec. §792a.....	489
tracks and switches—cars standing on, not to obstruct streets or street crossings.	
Ords., Art. 30, Secs. 4-6..	1017
—driving on to obstruct cars prohibited.	
Ords., Art. 4, Sec. 19....	687
—failure to keep in repair; penalty.	
Ords., Art. 30, Sec. 12..	1019
—how to be laid.	
Ords., Art. 30, Sec. 11..	1019
—mode of construction.	
Ords., Art. 30, Sec. 11..	1019
—proximity of builders' materials, etc., to, police regulations.	
Ords., Art. 25, Sec. 74..	982
—removal of, by city.	
Acts, Sec. 6.....	66
—salt, use of in melting snow and ice on.	
Ords., Art. 25, Sec. 77..	984
—use of streets by.	
Acts, Sec. 6.....	80
—vehicles on railways tracks, penalty.	
Ords., Art.	
—to keep to right of tracks.	
Ords., Art. 30, Sec. 8....	1018

RAILWAY EASEMENTS IN ANNEX,

See "Railroads and Railways" sub-title "Easements in Annex."

RAILWAYS,

See "Railroads" and "Railways."

RAILWAY TRACKS PROHIBITED,

See "Prohibiting Tracks on Certain Streets."

RATES,

carriages, etc., licenses—rates for.

Ords., Art. 41, Sec. 80.....1226

fare—hackney carriages; rates of fare.

Acts, Sec. 281.....253, 254

water. (*See "Water Rents."*)

—miscellaneous uses.

Ords., Art. 41, Sec. 68.....1221

wharfage—articles specified; goods reshipped.

Ords., Art. 13, Sec. 17.....778, 779

RATES, FARES AND CHARGES,

See "Franchises."

Acts, Sec. 37.....117

READING CLERK,

See "City Council."

REAL ESTATE BROKERS,

See "Licenses."

REAL PROPERTY,

See "Property."

taxes on, when in arrears.

Acts, Sec. 40.....121

REASSESSMENT AND REVALUATION OF PROPERTY,

See "Appeal Tax Court" and "Assessments of Property."

.....181

RECEIVING STOLEN GOODS,

See "Larceny"

RECEPTACLES FOR EXPECTORATION,

See "Health."

provided in public buildings; cleaning of.

Ords., Art. 14, Sec. 103.. 828

RECOGNIZANCES,

See "Bail" and "Auctioneers."

assault and battery, cases of.

Acts, Sec. 230.....231

surrender of principal by security in.

Acts, Sec. 344.....279

when to be returned.

Acts, Sec. 332.....276

RECORDS,

See "City Register;" "Comptroller;" "Land Records" and "Police Commissioners."

assessments. (*See "City Register."*) transmission, of to Baltimore City Court.

Acts, Sec. 170.....185

births and deaths—record of.

Ords., Art. 14, Sec. 192.. 863

certified copies of, as evidence.

Acts, Sec. 31.....108

city—Comptroller to keep record of deeds and leases made to city, or sufficient extracts thereof to explain same; also contracts with city; arrangement of record book.

Ords., Art. 1, Sec. 49.....

.....587-588

—public papers to be filed and preserved; City Register not to permit removal of papers of his office; to furnish certified copies; charges therefor; searches of records; charges therefor.

Ords., Art. 1, Sec. 48.....587

City Librarian—copy and preservation of lists of city property.

Ords., Art. 21, Sec. 2.....905

City Register to record journal of proceedings of City Engineer.

Ords., Art. 35, Sec. 1.....1091

keepers of weights, etc.,—Mayor to inspect.

Ords., Art. 17, Sec. 20.... 882

RECORDS.—(Cont'd).

licenses—to be kept by Comptroller.	
Ords., Art. 23, Sec. 17....	924
oath of Sewer Commissioners—certificate of Justice of the Peace thereon.	
Ords., Art. 33, Sec. 3.....	1061
proceedings—certificate of to be evidence of assessments of taxes.	
Acts, Sec. 170.....	186
property assessed—alphabetical list of owners of property.	
Acts, Sec. 161.....	180
—clerk of Appeal Tax Court to keep.	
Acts, Sec. 161.....	180
—description and location of property.	
Acts, Sec. 161	180
—information contained therein.	
Acts, Sec. 161.....	180
—owners may inspect record of their assessments.	
Acts, Sec. 161.....	180
relating to cleaning of privies.	
Ords., Art. 14, Sec. 148..	842
sales of firearms—register of purchaser, marks, etc., to be kept by seller.	
Ords., Art. 25, Sec. 80....	985
sewer condemnations—deposit with City Register.	
Ords., Art. 33, Sec. 20....	1072
tests of gas meters, data and annual report to Mayor and City Council.	
Ords., Art. 20, Sec. 13....	897-8
Water Board to keep.	
Ords., Art. 40, Sec. 2.....	1177

RED OR YELLOW OCHRE,

manufactory of, adjoining property owners to assent to erection of.	
Ords., Art. 14, Sec. 73..	819

REDEMPTION,

of city stock.	
time of; payment of interest.	
Ords., Art. 34, Sec. 8....	1079
of loans.	
sinking fund for.	
Ords., Art. 34, Sec. 15,	1081-2

REDUCTION OF SENTENCE PRISONERS,

Acts, Sec. 139.....	167-168
---------------------	---------

REFORMATION AND REFUGE HOUSES OF,

See "Houses of Refuge and Reformation."

REFORMATORIES,

erection and regulation of.	
Acts, Sec. 6.....	54
water rates for.	
Ords., Art. 41, Secs. 58-61.....	1219

REFUSE,

deposits in privy wells prohibited; penalty.	
Ords., Art. 14, Sec. 147..	842
in sewers.	
penalty for tar and other gas house refuse in.	
Ords., Art. 33, Sec. 24....	1074

REFUSE MATERIAL,

city officials; duties of relating to.	
Ords., Art. 6, Sec. 13....	702
sale of and accounting of proceeds.	
Ords., Art. 6, Sec. 12....	702
separate account for required.	
Ords., Art. 6, Sec. 14.....	702

REGISTER, CITY,

<i>See "City Register."</i>	
Harbor Masters, to supply account books to.	
Ords., Art. 13, Sec. 15,	777-778

REGISTER OF WILLS,	Page
bond of.	
Acts, Sec. 354.....	281
—approval by Orphans' Court and Comptroller.	
Acts, Sec. 355.....	282
commissions of, cases cited.	
Acts, Sec. 354, note.....	282
compensation for preparing lists for Appeal Tax Court.	
Acts, Sec. 168	184
failure to give bond, effect of,	
Acts, Sec. 356.....	282
summary account to Appeal Tax Court of property held by executors, etc., penalty.	
Acts, Sec. 168.....	183-184
REGISTRATION,	
cow stables; registry of.	
Ords., Art. 14, Sec. 36,	807-808
REGISTRATION BOOKS,	
for primary elections.	
App. C, Sec. 1.....	1270
REGISTRATION CASES,	
rules governing same.	
Acts, Sec. 321A.....	272-273
sittings of Court.	
Acts, Sec. 321	272
two judges to hear and determine.	
Acts, Sec. 321.....	272
REGISTRATION OFFICES,	
<i>See "Police Commissioners."</i>	
REGISTRATION OF VOTERS,	
primary elections for Mayor, etc.	
App. C, Sec. 2.....	1275-1276
registers to revise lists.	
Acts, Sec. 17.....	100
supplementary registration, when to be held.	
Acts, Sec. 17.....	100
REGISTRY OF PHYSICIANS, ETC.,	
<i>See "Health."</i>	
Ords., Art. 14, Sec. 189	862-863

REGRADING, RESHELLING, REGRAVELLING, REPAVING AND RECURBING STREETS,	Page
<i>See "Grading, Paving, etc., Streets."</i>	
Acts, Sec. 6	74
REGULATIONS FOR CARS IN STREETS,	
<i>See "Railroads and Railways."</i>	
Ords., Art. 30, Sec. 1,	1015-1018
REGULATION OF FOOTWAYS AND SIDEWALKS,	
<i>See "Footways."</i>	
REGULATION OF MORGUE,	
<i>See "Health."</i>	
enforced by superintendent of.	
Ords., Art. 14, Sec. 83.....	821
RE-INSPECTION OF GAS METERS,	
discontinued meters, fee, penalty.	
Ords., Art. 20, Sec. 11.....	897
REJECTION OF DAMAGES,	
<i>See "Streets, Bridges and Highways," sub-title "Opening, etc., Streets."</i>	
RELEASES,	
administrator of intestates' estates, to.	
(<i>See "Schools."</i>)	
fees for granting, prohibited.	
Acts, Sec. 636	382
prisoners.	
<i>See "Police Commissioners."</i>	
to city in, opening, closing, etc., streets, from claims for.	
Acts, Sec. 827.....	521
RELIGIOUS BELIEF,	
not to cause discrimination in Fire Department.	
Ords., Art. 11, Sec. 4.....	737
RELIGIOUS CORPORATIONS,	
water rates to.	
Ords., Art. 41, Sec. 62.....	1220

	Page
REMOVAL FROM OFFICE,	
Mayor, powers of. Acts, Sec. 25	104
misdemeanor of Justice of the Peace to effect his removal. Acts, Sec. 649.....	387
REMOVAL OF,	
cases.	
note.....	274
garbage and street dirt. (See " <i>Street Cleaning</i> " and " <i>Garbage and Street Dirt.</i> ") —provision for. Ords., Art. 14, Sec. 110..	830
nuisances. to other premises in city, pro- hibited; penalty. Ords., Art. 14, Sec. 98..	827
property. —reduction of assessment on account of. Acts, Sec. 160.....	179
REMOVED CASES,	
assignment of same for trial. Acts, Sec. 322.....	273
cost and counsel fees. note,	280
fees of State's Attorney. Acts, Sec. 349.....	280
transmission of record. Acts, Sec. 322.....	273
RENEWALS of,	
franchises— (See " <i>Franchises.</i> ") Acts, Sec. 9.....	96
—and grants. Acts, Sec. 12.....	97
—provisions relating to. Acts, Sec. 37.....	118
land records— (See " <i>Land Records.</i> ")	
RENTALS of,	
conduits— collection of. Acts, Sec. 6	81
—powers of city in relation to. Acts, Sec. 6.....	81

RENTING HALLS OF SCHOOLS,	Page
Eastern and Western High School Halls. Ords., Art. 32, Secs. 2-3..	1044
RENTS AND LICENSES,	
See " <i>Markets;</i> " sub-title " <i>Licenses and Rents.</i> "	922-927
RENTS AND REVENUE,	
in property taken for streets. Acts, Sec. 6.....	73
RENTS FOR WATER,	
See " <i>Water Rents.</i> "	
RENTS OF MARKET STALLS,	
See " <i>Markets.</i> "	
Ords., Art. 23, Sec. 15....	923
REPAIRS to,	
city buildings— Inspector of Buildings to make. Ords., Art. 3, Sec. 10	603
fire apparatus— Chief Engineer to recom- mend. Ords., Art. 11, Sec. 17....	742
footways— See " <i>Footways.</i> " Ords., Art. 35, Secs. 22- 26.....	1098-1100
markets— clerks of markets to make. Ords., Art. 23, Sec. 8....	921
streets—by corporations. Ords., Art. 35, Secs. 114, 115.....	1136-37
—by railways; space to be repaired. Ords., Art. 30, Sec. 24....	1024
—by Water Board—duties of. Ords., Art. 40, Sec. 24....	1185
—care to be exercised by city. Acts, Sec. 6, note.....	76
—penalty for failure. Ords., Art. 30, Sec. 12....	1019

REPAVING OF STREETS, Page

See "Streets and City Engineer."
duties of Water Board.
Ords., Art. 40, Sec. 29.....1187

REPORTS,

See "Annual Reports;"
"Police Commissioners"
and under heads of various
municipal officials and de-
partments.

annual, by purveyor of
provisions of almshouse.
Acts, Sec. 115..... 161
—by Superintendent of alms-
house.
Acts, Sec. 114..... 161

Burnt District Commission.
App. A, Sec. 4,.....1237-39

heads of departments to report
to Mayor.
Acts, Sec. 24..... 104

Mayor's annual report.
Acts, Sec. 22..... 102

REPORTS of,

auction duties—
See ("Auctioneers.")

Board of Fire Commission-
ers—
copies of for City Council.
Ords., Art. 11, Sec. 5.....737-8

fire companies—
age, admission and dis-
charge of members.
Ords., Art. 11, Sec. 18.... 742

sales—
(See "Mortgages.")

keepers of weights and
measures—
monthly returns on oath.
Ords., Art. 17, Sec. 22.... 883

REQUISITIONS,

materials to prevent spread of
tuberculosis.
App. B, Sec. 3.....1266-67

Police Department—
(See "Police Commis-
sioners.")

REQUISITIONS.—(Cont'd). Page
supplies—
(See "Librarian.")

**RESIDENT LABOR ON
PUBLIC WORK,**

Paving Commission, to give
reference to.
Acts, Sec. §841o..... 541

RESIGNATIONS,

Sewerage Commission.
Acts, Sec. §824..... 508

RESOLUTIONS,

See "Ordinances and Resolu-
tions."

**RESTORATION OF STREET
SURFACE,**

See "Streets and City
Engineer" and "Water."
penalty for failure of per-
sons digging up streets to
restore same.
Ords., Art. 36, Sec. 8....1143

**RESTRICTED FRANCHISES
OR GRANTS,**

Acts, Sec. 8..... 95

RETIRED POLICEMEN,

See "Police Commissioners"
and "Special Police Fund."

RETIRING SALARY,

See "Special Police Fund."

RETURN DAYS,

See "Appeal Tax Court"
and "Courts."
Acts, Sec. 303..... 262

RETURN of,

assessments—
—clerk to transmit return to
State Comptroller; penalty
on failure.
Acts, Sec. 162..... 180
—States Attorney to inform
Grand Jury of default of
clerk of Appeal Tax
Court.
Acts, Sec. 163..... 180

RETURN of.—(Cont'd).

valuations—

—personal property not re-
turned by owner.

Acts, Sec. 159..... 179

RETURN TANKS,hydraulic elevators to be pro-
vided with.

Ords., Art. 41, Sec. 57....1219

**RETURNS BY AUCTION-
EERS,***See "Auctioneers."***REVIEW AND ASSESS-
MENT,****Department Of,**—Board of Review and Assess-
ment to be head of.

Acts, Sec. 145..... 170

—composition of.

Acts, Sec. 145 170

Acts, Sec. 31..... 109

—Commissioners for Open-
ing Streets, second sub-
department of depart-
ment of.

Acts, Sec. 172 189

—duties and powers.

Acts, Sec. 145..... 170

**REVIEW OF ASSESS-
MENTS,***See "Appeal Tax Court."*

Acts, Sec. 170..... 184

**REVIEW OF PROCEEDINGS
IN SEWER OPENINGS,**

procedure in.

Ords., Art. 33, Sec. 8....1066

**REVISORY POWER OF
COURT,**

Acts, Sec. 317.....270-271

**REVOCATION OF PER-
MITS,**

cases cited thereon.

note..... 575

REVOKED LICENSES,

provisions relating to.

Ords., Art. 41, Sec. 14....1200

REVOLVERS,sales, gifts, etc., of, regula-
tions for.

Ords., Art. 25, Secs. 78-

85.....985-987

REWARDS,*See "Police Commissioners."*

criminals—

—Mayor to offer rewards for in
certain cases.

Ords., Art. 1, Sec. 12..... 575

false alarm of fire—

—Chief Engineer to offer for.

Ords., Art. 11, Sec. 51.... 754

incendiaries—

—Fire Inspector to offer for.

Ords., Art. 11, Sec. 42.... 751

Mayor to offer, for certain
crimes,

Ords., Art. 1, Sec. 12.... 575

policemen—

—fees, gifts, etc., to, prohibit-
ed. (*See "Special Police
Fund."*)**RICHMOND MARKET,**obstructions within certain
limits forbidden.

Ords., Art. 23, Secs. 109-

110..... 951

provisions relating to.

Ords., Art. 23, Secs. 106-

108..... 950

(*See "Richmond Market"
under "Markets."*)**RIDERS AND DRIVERS,**

of horses and vehicles—

—speed limited to six miles per
hour, penalty for exces-
sive speed.

Ords., Art. 4, Sec. 9..... 684

RIGGING OF VESSELS,*See "Harbor, Docks and
Wharves."*

Ords., Art. 13, Sec. 34.... 786

	Page
RIGHT OF WAY,	
ambulances to have.	
Ords., Art. 16, Sec. 14....	873
salvage corps to have going to fires.	
Ords., Art. 11, Sec. 45..	752
RIGHT OF WAY ON TRACKS,	
rights of vehicles on tracks, penalty.	
vehicles not to delay cars.	
Ords., Art. 30, Sec. 45....	1030
ROOFS, CORNICES AND SCUTTLES,	
<i>See "Buildings."</i>	
Ords., Art. 3, Secs. 121-123	647-648
RUBBISH AND WASTE MATERIALS,	
boxes for at street corners.	
Ords., Art. 36, Sec. 10....	1144
RULES AND REGULATIONS,	
<i>See "Buildings," "Fire Department" and "Special Police Fund."</i>	
fire department—	
—Fire Commissioners to prepare and post.	
Ords., Art. 11, Sec. 7....	738
police department—	
(<i>See "Police Commissioners."</i>)	
Water Board to prescribe.	
Ords., Art. 40, Sec. 1....	1177
RULES FOR PLUMBING,	
designated by Inspector of Plumbing, compliance with.	
Ords., Art. 14, Sec. 133..	837
.....	838
RULES OF CITY COUNCIL,	
<i>See "City Council."</i>	

	Page
SABBATH,	
<i>See "Vehicles."</i>	
ball playing, quoits, kites, fishing, etc., unlawful on, penalty.	
Ords., Art. 31, Sec. 2.....	1041
cattle, horses, etc., not to be driven through streets on, proviso, penalty.	
Ords., Art. 31, Sec. 1.....	1040
driving cattle on, unlawful.	
Ords., Art. 25, Sec. 15....	965
finest and penalties imposed, recovery of.	
Ords., Art. 31, Sec. 5.....	1041
gaming, hunting, etc., on, unlawful, penalty.	
Ords., Art. 31, Sec. 3.....	1041
ice; sale of on, prohibited.	
Acts, Sec. 806	499
" " 807	499
parades with music unlawful on, penalty, proviso.	
Ords., Art. 31, Sec. 4.....	1041
sales on; articles prohibited, penalty.	
Ords., Art. 31, Sec. 2.....	1040
SAFETY GATES,	
<i>See "Railroads and Railways."</i>	

SAFETY REGULATIONS FOR HOTELS,

See "Buildings" and "Inspector of Buildings."

floor plan, fire escapes, inspections, penalty.	
Ords., Art. 11, Secs. 67-68	758, 759

SAFE WEIGHTS ON FLOORS OF BUILDINGS,

See "Buildings" sub-title "Loads on Floors, Weights and Strains."

ST. MARTHA'S EPISCOPAL HOUSE,

appropriation from city for conduct and management.

Acts, Sec. §885a..... 561

ST. MARY'S INDUSTRIAL SCHOOL,

See "Houses of Refuge and Reformation."

ST. VINCENT OF PAUL'S ORPHAN ASYLUM OF BALTIMORE,

See "Houses of Refuge and Reformation."

SALES,

See "Appeal Tax Court," "Assessments;" "City Collector;" "City Register;" "Comptroller;" "Health;" "Inspections, Weights and Measures;" and "Charcoal," "Markets;" "Nuisances" and "Taxes."

By,

- auctioneers. (*See "Auctioneers."*)
- minors. (*See "Larceny."*)

For,

- Burnt District assessments
 - for collection of.
 App. A, Secs. 14-15.....1250-1251
- livery charges.
 - Acts, Sec. 292..... 257
- taxes. (*See "Tax Sales."*)
 - balance of purchase money—to whom and when payable.
 - Ords., Art. 38, Sec. 31.....1167, 1168
 - fee simple interest, when to be sold.
 - Ords., Art. 38, Sec. 28.....1166
 - leasehold interest to be sold first.
 - Ords., Art. 38, Sec. 28.....1166
 - list of for public inspection.
 - Ords., Art. 38, Sec. 30.....1167
 - resale of unredeemed property bought by city at tax sales.
 - Ords., Art. 6, Secs. 10, 11.....701, 702

SALES.—(Cont'd).**In,**

- markets. (*See "Markets" sub-title "Sales in."*)
- clothing, merchandise, etc., prohibited; penalty; proviso.
 - Ords., Art. 23, Sec. 34..... 929-30
- fresh meat at retail only at butchers stalls, penalty.
 - Ords., Art. 23, Sec. 35.. 930
- meat, unsound or unwholesome, unlawful, penalty.
 - Ords., Art. 23, Sec. 30.... 929
- provisions, etc., weighing of, penalty for false weights.
 - Ords., Art. 23, Sec. 31.... 929
- wines and liquors forbidden, penalty.
 - Ords., Art. 23, Sec. 36.. 930
- streets. (*See "Auctions."*)
 - Ords., Art. 23, Sec. 36.... 930
- cows or other neat cattle prohibited, penalty.
 - Ords., Art. 23, Sec. 38.... 930
- enticing purchasers from stores, etc., unlawful, penalty.
 - Ords., Art. 25, Sec. 94.... 989
- hawking after 10 p. m.; police regulations.
 - Ords., Art. 25, Sec. 91..... 988-9
- Sabbath sales unlawful, penalty.
 - Ords., Art. 31, Sec. 2....1040
- soliciting purchasers—obstructing streets, etc., thereby unlawful, penalty.
 - Ords., Art. 25, Sec. 92.... 989
- theatre tickets, prohibited, penalty.
 - Ords., Art. 25, Sec. 93.... 989

Of,

- charcoal (*See "Inspections, Weights and Measures."*)
- city property, auction of leasehold interest; terms.
 - Ords., Art. 34, Sec. 12....1080
- coal—penalty for short weight; proviso.
 - Ords., Art. 17, Sec. 31.... 885

	Page
SALES. —(Cont'd).	
Of. —(Cont'd).	
—firecrackers—other than in original package, prohibited, penalty.	
Ords., Art. 11, Sec. 58....	756
—firewood—cord, unit of measurement, penalty, proviso.	
Ords., Art. 17, Sec. 32....	886
—gasoline.	
—automobile storage stations, sales in.	
Ords., Art. 11, Sec. 75	761
—cans for, in domestic use.	
Ords., Art. 11, Sec. 78..	763
—stoves; permit, fee, registry of dealers.	
Ords., Art. 11, Sec. 77	762
—ice.	
sales by weight, weighing at time of sale, bushel measure, penalty.	
Ords., Art. 17, Sec. 33..	886
—liquor forbidden in certain places.	
(See " <i>Licenses.</i> ")	
—meat—salted, etc., licenses for; proviso.	
Ords., Art. 41, Sec. 16	1200, 1201
—sales by unauthorized persons in markets.	
Ords., Art. 23, Sec. 29..	928
—milk, adulterated, prohibited.	
Ords., Art. 14, Sec. 56..	812
—pistols and firearms; police regulations for.	
Ords., Art. 25, Secs. 78-85.....	985-987
—property, chancery sales to be reported to Appeal Tax Court.	
Acts, Sec. 165.....	182
—non-payment of benefits assessed in opening, etc., sewers.	
Ords., Art. 33, Sec. 10..	1069
—sale by Comptroller for taxes.	
Ords., Art. 38, Sec. 37	1169, 1170
—residue of lots taken in opening, etc., sewers.	
Ords., Art. 33, Sec. 7	1063-64
—of property taken in opening, etc., streets.	
Acts, Sec. 176.....	192

	Page
SALES. —(Cont'd).	
Of. —(Cont'd).	
—state lands in Burnt District.	
App. A, Secs. 33-34	1261
—unsound or tainted food and food products.	
Ords., Art. 14, Sec. 57..	813
On—	
—Sabbath, sale of ice forbidden; penalty.	
Acts, Secs. 806, 807.....	499
Under—	
—decrees and under General Law.	
(See " <i>Mortgages.</i> ")	
SALARIES,	
<i>See under titles of various municipal officials and departments.</i>	
almshouse, superintendent of.	
Acts, Sec. 113.....	161
Annex Improvement Commission.	
Acts, Sec. §841b.....	531-2
Appeal Tax Court, members of.	
Acts, Sec. 146.....	170
Assistant Superintendent of Lamps and Lighting.	
Ords., Art. 20, Sec. 2.....	893
bailiffs and criers of City Courts—amount and payment.	
Acts, Secs. 372-374.....	288
Board of Estimates—powers in relation to.	
Acts, Sec. 36A.....	117
—of Liquor License Commissioners.	
Acts, Sec. 670.....	411
boiler inspectors.	
Acts, Sec. 584.....	354
Buildings, Inspector of.	
Acts, Sec. 79	141
Burnt District Commission.	
App. A, Sec. 1.....	1235

SALARIES.	1563
SALARIES.—(Cont'd).	Page
Charities, Supervisors of City— Secretary to. Acts, Sec. 104.....	157
City Collector. Acts, Sec. 42.....	122
—compensation of. Ords., Art. 38, Sec. 23.....	1164
City Librarian. Acts, Sec. 196.....	204
—assistants to. Acts, Sec. 198.....	206
City Register. Acts, Sec. 35.....	112
City Solicitor. Acts, Sec. 61	133
—assistants of. Acts, Sec. 62.....	134
clerks of courts—payment of salaries. Acts, Sec. 370.....	287
clerk to Commissioners for Opening Streets. Acts, Sec. 172.....	190
Commissioner of Health, as- sistants to. Acts, Sec. 76.....	140
Commissioners for Opening Streets. Acts, Sec. 172.....	189
—and clerk per diem of. Acts, Sec. 190.....	201
Comptroller. Acts, Sec. 33.....	110
—subordinates of. Ords., Art. 6, Sec. 17....	703
—to certify to correctness of. Ords., Art. 6, Sec. 4.....	700
constables, fixed by law or ordinance. Acts, Sec. 206.....	209
coroners. Acts, Sec. 294.....	258
court stenographers. Acts, Sec. 279.....	290
Department of Legislative Reference—salary of execu- tive officer. Acts, Sec. 208C.....	211
Deputy City Solicitor. Acts, Sec. 62.....	134

SALARIES.	Page
SALARIES.—(Cont'd).	
Deputy Register. Acts, Sec. 35.....	112
District Superintendents of Lamplighters. Ords., Art. 20, Sec. 2....	893
Electrical Commission, Chief Engineer. Ords., Art. 9, Sec. 2.....	718
employees— —when to be paid. Ords., Art. 1, Sec. 42.....	584-585
Fire Commissioners, Board of. Acts, Sec. 69.....	137
—department, members of. Ords., Art. 11, Sec. 3, 736	
firemen—salary list of. Ords., Art. 11, Sec. 3,....	736
First Branch City Council, members of. Acts, Sec. 210.....	212
Grand Jury, clerk to. Acts, Sec. 604A.....	362
Harbor Engineer. Acts, Sec. 88.....	147
Health, Commissioner of. Acts, Sec. 71.....	138
Judges of Supreme Bench. Ords., Art. 8, Sec. 1.....	716
lamps and lighting, subordi- nates of Superintendent of. Ords., Art. 20, Sec. 2.....	893
Liquor License Commis- sioners, Board of. Acts, Sec. 670.....	411
market employees. Ords., Art. 23, Sec. 2,	918-919
marshal's clerk. Acts, Sec. 746.....	458-459
Mayor's clerk. Ords., Art. 1, Sec. 7.....	574
—secretary. Ords., Art. 1, Sec. 6,....	573
—stenographer. Ords., Art. 1, Sec. 9, 574	

	Page
SALARIES.—(Cont'd).	
New Sewerage Commission. Acts, Sec. §824a.....	508
officers of sub-department of Board of School Commis- sioners. Acts, Sec. 99.....	152
Park Commissioners, secre- tary to. Acts, Sec. 90.....	148
Paving Commission, Chair- man and Secretary. Acts, Sec. §841k.....	536
—Police Commissioners. Acts, Sec. 740.....	448
—Examiners. Acts, Sec. 745A.....	454
—force, physician to. Acts, Sec. 773.....	473-474
—force, salaries of officers and men. Acts, Sec. 745.....	453-454
—officers and men on re- tired list, (<i>See "Special Police Fund."</i>)	
President Second Branch City Council. Acts, Sec. 214.....	214
Quarantine Hospital physi- cian. Acts, Sec. 76.....	140
Second Branch City Council, members. Acts, Sec. 211.....	212
Sewerage Commission, chairman and members of. Ords., Art. 33, Sec. 26, 1075	
station-house Justices, when payable. Acts, Sec. 636.....	382
street cleaning, Commission- er of. Acts, Sec. 83.....	143
subordinates and employes under School Commission- ers. Acts, Sec. 99.....	152
—of City Register. Ords., Art. 6, Sec. 26..	707
—of Comptroller. Acts, Sec. 34.....	111

	Page
SALARIES.—(Cont'd).	
substitute Justices at station- houses. Acts, Sec. 637.....	382
Superintendent of Lamps and Lighting. Acts, Sec. 204.....	208
—of Public Buildings. Acts, Sec. 207.....	209
Surveyor, fixed by ordi- nance. Acts, Sec. 205.....	209
trust clerk of Circuit Courts. Acts, Sec. 371.....	287
vaccine physicians. Acts, Sec. 77.....	141
Water Engineer. Acts, Sec. 87.....	146

SALES STABLES,

regulations for cows. Ords., Art. 14, Sec. 38..	808
--	-----

SALOONS,

*See "Licenses" sub-title
"Liquor Licenses" and
"Police Commissioners."*

dance houses, etc., —minors in, penalty against proprietors. Acts, Sec. 881.....	559
---	-----

SALT,

snow, use in melting prohib- ited, penalty. Ords., Art. 25, Sec. 77..	984
---	-----

SALVAGE CORPS,

<i>See "Fire Commissioners."</i> Ords., Art. 11, Secs. 45- 46.....	752
--	-----

**SAND AND ASHES IN
STREETS,**

deposit of prohibited, penalty, proviso. Ords., Art. 25, Sec. 37....	970
--	-----

**SANITARY AND HYGENIC
REGULATIONS,**

*See "Buildings," and "Tene-
ment and Lodging Houses."*

	Page
SANITARY INSPECTORS,	
Health, Commissioner of to appoint.	
Acts, Sec. 72.....	139
vaccine physician, as.	
Acts, Sec. 77.....	141
SANITARY REGULATIONS,	
<i>See "Buildings;" "Health;" "Inspections, Weights and Measures;" "Nuisances" and "Quarantine Hospital."</i>	
bakeries and confectioneries.	
Ords., Art. 17, Sec. 35.....	886-7
SARATOGA STREET,	
cattle, driving through, prohibited.	
Ords., Art. 25, Sec. 30....	967
SATISFACTION OF DECREES,	
<i>See "Mortgages."</i>	
SATURDAY HALF - HOLIDAY	
<i>See "Bills of Exchange and Promissory Notes."</i>	
municipal departments, office hours on.	
Ords., Art. 15, Sec. 3.....	868
SAUSAGES AND PUDDINGS,	
licenses for sale of, in markets, proviso.	
Ords., Art. 41, Sec. 17....	1201
—penalty.	
Ords., Art. 41, Sec. 16.....	1200-1
SAWED AND SPLIT WOOD,	
<i>See "Wood."</i>	
SCALE BEAMS,	
inspection and stamping.	
Ords., Art. 17, Sec. 12....	880
SCHOOL BOOKS,	
<i>See "Schools."</i>	
SCHOOL BUILDINGS,	
<i>See "Schools," sub-title "Buildings of."</i>	
SCHOOL COMMISSIONERS,	
<i>See this sub-title under "Schools."</i>	

SCHOOLS,	Page
Books of,	
—collection of, from former pupils.	
Ords., Art. 32, Sec. 8.....	1045-6
—defaced or mutilated, parents, etc., to pay for.	
Ords., Art. 32, Sec. 8—	1046
—parents or guardians to pay for when lost, defaced, etc.	
Ords., Art. 32, Sec. 8.....	1045-6
—penalty for parents retaining books.	
Ords., Art. 32, Sec. 8.....	1045-6
Buildings,	
—American flag on.	
Ords., Art. 32, Sec. 7....	1045
—Board to have charge of.	
Ords., Art. 32, Sec. 1.....	1043
—contracts for.	
Acts, Sec. 99.....	152-53
—for portable buildings, award of.	
Ords., Art. 32, Sec. 5,	1044-45
—control of by Board.	
Ords., Art. 32, Sec. 1.....	1043
—cost of erection of portable, how paid.	
Ords., Art. 32, Sec. 6....	1045
—Eastern and Western High Schools, renting halls of.	
Ords., Art. 32, Secs. 2-3,	1044
—erection of portable, Inspector of Buildings to superintend.	
Ords., Art. 32, Sec. 5.....	1044-5
—flags to be raised when schools in session and on holidays.	
Ords., Art. 32, Sec. 7....	1045
—halls of Eastern and Western High Schools, rental of.	
Ords., Art. 32, Secs. 2-3,	1044
—holidays, flags to be raised on.	
Ords., Art. 32, Sec. 7....	1045
—lease of ground for portable.	
Ords., Art. 32, Sec. 4....	1044
—legal holidays and Memorial Day, flags to be raised on.	
Ords., Art. 32, Sec. 7....	1045
note.....	1045

SCHOOLS.—(Cont'd).	Page
Buildings.—(Cont'd).	
—plans and construction of.	
Acts, Sec. 99.....	153
—plumbing, heating and ventilation of.	
Acts, Sec. 100.....	153-4
—portable buildings, leasing ground for.	
Ords., Art. 32, Sec. 4....	1044
—property, charge and control of, in Board.	
Ords., Art. 32, Sec. 1....	1043
—rental of lots portable, payment of.	
Ords., Art. 32, Sec. 6....	1045
—Supervisor of Heating, Plumbing and Ventilation.	
Acts, Sec. 100.....	153-4
—Western and Eastern High Schools, renting halls of, proviso.	
Ords., Art. 32, Secs. 2, 3.....	1044
Contagious Diseases,	
—certificate for teachers exposed to contagion.	
Ords., Art. 32, Sec. 38..	1057
—certificate of immunity by vaccine physician.	
Ords., Art. 32, Sec. 39,	1056-57
—certificate of, to parents by physician attending.	
Ords., Art. 32, Sec. 35..	1056
—children with, to be excluded from schools.	
Ords., Art. 32, Sec. 37..	1057
—duty of physician and parents in.	
Ords., Art. 32, Sec. 35..	1056
—duty of parents where no physician attending.	
Ords., Art. 32, Sec. 36..	1056
—fines and penalties for violations hereunder.	
Ords., Art. 32, Sec. 40..	1058
—fine for parent failing to notify principal.	
Ords., Art. 32, Sec. 36..	1056
—notice of, by parents to principal of school within 24 hours.	
Ords., Art. 32, Sec. 35..	1056
—notice to Commissioners by teachers exposed to contagion.	
Ords., Art. 32, Sec. 38..	1057

SCHOOLS.—(Cont'd).	Page
Contagious Diseases.—(Cont'd).	
—principals to exclude children with.	
Ords., Art. 32, Sec. 37..	1057
—teachers exposed to contagion not to teach, penalty.	
Ords., Art. 32, Sec. 38..	1057
—vaccine physicians to certify to subsidence of disease when no physician attending.	
Ords., Art. 32, Sec. 39,	1057-58
Certificates, Diplomas and Prizes,	
—certificates to pupils quitting school before graduation.	
Ords., Art. 32, Sec. 13..	1047
—City College graduates, diplomas to, form of.	
Ords., Art. 32, Sec. 11..	1047
—high schools, Baltimore Polytechnic Institute, Colored High and Training School, testimonials to pupils.	
Ords., Art. 32, Sec. 12..	1047
note.....	1048
—Peabody prizes, distribution of.	
Ords., Art. 32, Sec. 14,	1047-48
Establishment,	
—of free public school system.	
Acts, Sec. 6.....	67
Funds,	
—accounting for funds from intestates' estates.	
Ords., Art. 32, Sec. 17..	1050
—application of funds from intestates' estates.	
Ords., Art. 32, Sec. 19..	1050
—approved accounts only, to be paid by Register.	
Ords., Art. 32, Sec. 15..	1049
—attendance officers, appointment, salary.	
Ords., Art. 32, Sec. 22..	1051
—bequests, devises, etc., Board to receive and pay to City Register.	
Ords., Art. 32, Sec. 16..	1049

SCHOOLS.—(Cont'd).

Page

Funds.—(Cont'd).

- bequests not to be expended in same year received.
Ords., Art. 32, Sec. 16..1049
- City Register to notify Board of receipt of funds.
Ords., Art. 32, Sec. 18..1050
- claims against intestates, estates, prosecution of.
Ords., Art. 32, Sec. 20,1050-51
- committee on accounts to examine disbursement orders.
Ords., Art. 32, Sec. 15,1049-50
- Comptroller to receive from teachers, etc.
Ords., Art. 32, Sec. 15..1049
- conditions in bequests, to be followed in application of.
Ords., Art. 32, Sec. 16..1049
- contingent fees for prosecution of claims against intestates' estates.
Ords., Art. 32, Sec. 20,1050-51
- disbursement orders, when to be honored by Register.
Ords., Art. 32, Sec. 15..1049
- intestates' estates, funds from subject to orders of Board.
Ords., Art. 32, Sec. 17..1050
- intestates' estates, accounting for funds from.
Ords., Art. 32, Sec. 19..1050
- notice to Board by Register of receipt of funds.
Ords., Art. 32, Sec. 18..1050
- payment of salaries monthly.
Ords., Art. 32, Sec. 21..1051
- president of Board to sign disbursement orders.
Ords., Art. 32, Sec. 15..1049
- prosecution of claims against intestates' estates.
Ords., Art. 32, Sec. 20,1050-51
- receipt and disbursement of, through Comptroller and City Register.
Ords., Art. 32, Sec. 15..1049

SCHOOLS.—(Cont'd).**Funds.**—(Cont'd).

- salaries to be paid monthly.
Ords., Art. 32, Sec. 21..1051
- Secretary of Board to sign disbursement orders.
Ords., Art. 32, Sec. 15..1049

general powers.

Acts, Sec. 6 67

ice and snow in front of, removal of.

Ords., Art. 36, Sec. 15....1145

Intestates' Estates,

- undistributed funds to be paid to Board of School Commissioners.
Acts, Sec. 808 500
- notice by advertisement to, given by administrator.
Acts, Sec. 809..... 500
- release to administrator on payment of funds to School Commissioners.
Acts, Sec. 810..... 500
- terms of release.
Acts, Sec. 811 501
- restoration of funds when legal representatives appear.
Acts, Sec. 812..... 501
- foregoing provisions not to affect Charitable Marine Society.
Acts, Sec. 813 501

Johns Hopkins University,

- power to confer degrees.
Acts, Sec. 815..... 502
- to confer honorary degrees.
Acts, Sec. 815 502
- to establish branches.
Acts, Sec. 814..... 501
- to purchase and hold property.
Acts, Sec. 814. 501
- to keep and maintain principal office in city.
Acts, Sec. 814..... 501

levy and collection of tax for.

Acts, Sec. 6..... 67

libraries for,

- City College and High Schools, established at.
Ords., Art. 32, Sec. 9....1046

SCHOOLS.—(Cont'd).**McDonogh Institute School Farm,**

- funds for, investment, etc.
Ords., Art. 22, Sec. 5.... 910

Maryland Institute,

- annual inspection of by Mayor, etc.
Ords., Art. 32, Sec. 31..1054
- annual report of president of, to Mayor, etc.
Ords., Art. 32, Sec. 30..1053
- appointment of pupils in.
Ords., Art. 32, Sec. 29..1053
- appropriation for, payment of by comptroller.
Ords., Art. 32, Sec. 31..1054
- City Council, members of to appoint pupils to.
Ords., Art. 32, Sec. 29..1053
- contract with, for instruction of city pupils.
Ords., Art. 32, Sec. 28..1053
- inspection of, annually by Mayor, etc.
Ords., Art. 32, Sec. 31..1053
- instruction of pupils in, period of.
Ords., Art. 32, Sec. 29..1053
- Mayor to appoint pupils on neglect of councilmen.
Ords., Art. 32, Sec. 30..1053
note.....1053
- payment to, for tuition of city pupils.
Ords., Art. 32, Sec 31..1054
- President of, to notify councilmen of vacancies among pupils.
Ords., Art. 32, Sec. 29..1053
- report of President of, to Mayor, etc., annually.
Ords., Art. 32, Sec. 30..1053
- vacancies among pupils, councilmen of ward entitled, to have notice of.
Ords., Art. 32, Sec. 29..1053

Officers of,

- appointment of.
Acts, Secs. 99-100.....152-153

Parental School,

- board to make rules for.
Ords., Art. 32, Sec. 24..1052
- buildings and grounds for, lease of.
Ords., Art. 32, Sec. 26..1052

SCHOOLS.—(Cont'd).**Parental School.—(Cont'd).**

- children habitually truant, instruction of.
Ords., Art. 32, Sec. 23..1051
- confinement of truants, term of.
Ords., Art. 32, Sec. 27..1052
- contracts for instruction of truants at corrective institutions.
Ords., Art. 32, Sec. 27..1052
- courses of study, board to prescribe.
Ords., Art. 32, Sec. 25..1052
- teachers for, employment of.
Ords., Art. 32, Sec. 25..1052
- truants, habitual, instruction of.
Ords., Art. 32, Sec. 23..1051

Peabody Institute,

- and fund.
Acts, Sec. 816 503

Property of,(See "*Buildings.*")

- Acts, Sec. 6 67
- Ords., Art. 32, Sec. 1 ...1043
- ordinances to protect, authorized.
Acts, Sec. 6 67

School Commissioners, Board of,

- administration of schools to non-political and non-sectarian.
Acts, Sec. 99 152
- appointment of.
Acts, Sec. 99..... 152
- construction and plans for, to be approved by.
Acts, Sec. 99..... 153
- contracts for school buildings, stationery and supplies.
Acts, Sec. 99.....152-153
- duties of school visitors to be prescribed by.
Acts, Sec. 102 156
- instructions to Superintendents of Public Instruction.
Acts, Sec. 101..... 155
- president of.
Acts, Sec. 99 152

	Page
SCHOOLS. —(Cont'd).	
School Commissioner,	
Board of. —(Cont'd).	
—principals, professors, in-	
structors and tutors, ap-	
pointment of.	
Acts, Sec. 100.....	153
—qualifications of members.	
Acts, Sec. 99.....	152
—salaries of subordinates and	
teachers.	
Acts, Sec. 99	152
—school visitors, appoint-	
ment, assignments and	
duties of.	
Acts, Sec. 100	153
—subordinates under, appoint-	
ment and removal of.	
Acts, Sec. 99.....	152
—supervisor of heating,	
plumbing and ventilation	
of school buildings.	
Acts, Sec. 100.....	153-154
—teachers, appointment,	
selection and removal	
of.	
Acts, Sec. 99.....	152
—term of commissioners.	
Acts, Sec. 99	152
—text-books on civil govern-	
ment to be furnished	
and used in public	
schools.	
Acts, Sec. §816a	503
—stationery and furniture	
for schools.	
Acts, Sec. 99.....	153
—unclaimed funds of intes-	
tates' estates payable to	
board.	
Acts, Sec. 808.....	500
snow in front of, removal of.	
Ords., Art. 36, Sec. 2,	
.....	1140-41
supplies and stationery for.	
(See "Stationery.")	
—contracts for.	
Acts, Sec. 99.....	152-153
temporary buildings for.	
Ords., Art. 32, Sec. 4....	1044
tuition,	
—books and stationery free to	
city pupils.	
Ords., Art. 32, Sec. 32,	
.....	1054

SCHOOLS. —(Cont'd).	
Tuition. —(Cont'd).	
—city pupils to be instructed	
free.	
Ords., Art. 32, Sec. 32,	
.....	1054
—fees for tuition of non-resi-	
dent pupils.	
Ords., Art. 32, Secs. 33-	
34.....	1054-5
—instruction to be free to	
city pupils.	
Ords., Art. 32, Sec. 32,	
.....	1054
—non-resident pupils, in-	
struction of.	
Ords., Art. 32, Sec. 33,	
.....	1054-5
—non-resident tax-payers, ex-	
ception of,	
Ords., Art. 32, Sec. 34,	
.....	1055-6
—note.....	1055

Visitors, School,

—appointment, assignment	
and duties of.	
Acts, Sec. 100.....	153
—duties and meetings of.	
Acts, Sec. 102	155

water rates to schools and	
academies.	
Ords., Art. 41, Sec. 63..	1220

yards of,	
—ice and snow, removal from.	
Ords., Art. 36, Sec. 15..	1145

SCREENS ON STREET LAMPS,

permits for, on application.	
Ords., Art. 20, Secs. 19-	
20.....	899
placing and removal by Super-	
intendent of Lamps and	
Lighting.	
Ords., Art. 20, Sec. 21....	899
.....	900

SCREWS,

standard for fire plugs, etc—	
threads, opening, etc.	
Ords., Art. 11, Sec. 36....	749

	Page
SEAL OF CITY,	
city may use and alter same. Acts, Sec. 1.....	41
City Register to furnish it free when required as evidence in claims of soldiers and seamen in U. S. service, etc. Ords., Art. 1, Sec. 51....	588
custody and use of. Acts, Sec. 35.....	112
fees for impressions of. Acts, Sec. 35.....	112
impression of—to be rep- resentation of Battle Monu- ment. Ords., Art. 1, Sec. 50....	588
SEALING, STAMPING, ETC., METERS,	
duty of Superintendent of Lamps and Lighting re- lating to. Ords., Art. 20, Sec. 6....	895
SEARCH WARRANT,	
gunpowder, concealment of. Ords., Art. 11, Sec. 83....	765
SEATS FOR FEMALE EM- PLOYES,	
manufacturing and mercan- tile establishments to provide. Acts, Sec. 505.....	324
penalty for failure to pro- vide. Acts, Sec. 506.....	325
use of seats, question for jury as to what is proper. Acts, Sec. 505.....	324
violations of provisions de- fined. Acts, Sec. 505.....	324
SECOND BRANCH,	
<i>See "City Council."</i>	
appointments during recess of, to fill vacancies. Acts, Sec. 25.....	106
confirmation of Mayor's ap- pointments. Acts, Sec. 25.....	104

SECOND BRANCH.—(Cont'd).	Page
president of— —member Board of Awards. Acts, Sec. 15.....	99
—when to be Mayor. Acts, Secs. 18-19.....	101
SECRETARY,	
New Sewerage Commission. Acts, Sec. §824a.....	509
Board Police Commissioners. (<i>See "Police Commis- sioners."</i>)	
Mayor. (<i>See "Mayor."</i>)	
Police Board. (<i>See "Special Police Fund."</i>)	
Police Examiners. (<i>See "Police Examiners."</i>)	
SECURITY,	
for costs and fines— —Criminal Court, prohibited in. Acts, Sec. 443	306
SELECTION OF PAVING MATERIALS,	
<i>See "Streets and City Engi- neer."</i>	
Ords., Art. 35, Secs. 77- 80.....	1120-1121
owners may select paving. Ords., Art. 35, Sec. 71.....	1117
SEMMES ACT,	
grants of franchises, etc. Acts, Sec. 6.....	95
SEPARATION OF PRISON- ERS,	
separate confinement of cer- tain prisoners. Acts, Sec. 140.....	168
SEPTEMBER TWELFTH,	
municipal holiday. Ords., Art. 15, Sec. 1.....	867
SESSIONS OF CITY COUN- CIL,	
<i>See "City Council."</i>	

SET-OFF FOR TAXES,

- not allowed corporations
owning certain city stock
loans.
foot-note174-175
- when allowed holders of city
stock loans.
note..... 173

SEWERAGE,

- Commission—
(See "Sewers.")
—powers not modified.
Acts, Sec. 86 145
- connections—
(See "Sewers.")
Acts, Sec. 6..... 69
- required in dairies, when.
Ords., Art. 14, Sec. 41.. 809
- Annex, sewerage in—
provision for costs of.
Acts, Sec. §841h..... 534

**SEWER, GAS AND WATER
CONNECTIONS,**

- permits for.
Ords., Art. 35, Sec. 109..1133
.....1134

SEWERS,**Appeals In Condemnation
Proceedings,**

- attendance of persons at
hearings, court may
compel.
Ords., Art. 33, Sec. 9..1067
- Baltimore City Court to
hear.
Ords., Art. 33, Sec. 9..1067
- benefits also open to re-
view.
Ords., Art. 33, Sec. 9..1068
- city or owner, either may
appeal.
Ords., Art. 33, Sec. 9..1067
- City Register to produce
records.
Ords., Art. 33, Sec. 9..1067
- correction and alteration
of return.
Ords., Art. 33, Sec. 9..1068
- cost of appeal to be added
to assessment in discre-
tion of court.
Ords., Art. 33, Sec. 9..1068

SEWERS.—(Cont'd).**Appeals in Condemnation
Proceedings.—(Cont'd).**

- defects of form not to in-
validate proceedings.
Ords., Art. 33, Sec. 9..1068
- evidence, record of pro-
ceedings as.
Ords., Art. 33, Sec. 9..1068
- hearings and procedure.
Ords., Art. 33, Sec. 9..1067
- jury trial, jury to view
property.
Ords., Art. 33, Sec. 9..1067
.....1068
- petition for appeal to be
in writing.
Ords., Art. 33, Sec. 9..1067
- recording return, certifi-
cate of clerk to, filing
with City Register.
Ords., Art. 33, Sec. 9..1068
- time limit for appeal.
Ords., Art. 33, Sec. 9..1067

- appointment of substitute for
interested commissioner.
Ords., Art. 33, Sec. 16..1071

- awarding contracts for.
Ords., Art. 33, Sec. 22..1073

**Benefits And Damages In
Condemnations For,**

- assessment of benefits to
be lien until paid.
Ords., Art. 33, Sec. 14..1070
- assignment of lien to per-
son paying benefits
assessed.
Ords., Art. 33, Sec. 15..1071
- balance of purchase money
on sale for benefits
assessed, owner to re-
ceive.
Ords., Art. 33, Sec. 13..1070
- benefits, sale of property
for non-payment of.
Ords., Art. 33, Sec. 11..1069
- time limit for payment of.
Ords., Art. 33, Sec. 10
.....1069
- bills for benefits to be
rendered to owners
assessed.
Ords., Art. 33, Sec. 10..1069
- City Collector to notify
owners where benefits
assessed.
Ords., Art. 33, Sec. 10..1069

SEWERS.—(Cont'd).	Page
Benefits And Damages In Condemnations For.—(Cont'd).	
—conditions and terms of sales for benefits.	
Ords., Art. 33, Sec. 12..	1069
.....	1070
—construction work not to be begun until damages paid or owners consent in writing.	
Ords., Art. 33, Sec. 14..	1070
.....	1071
—costs of sales for benefits, payment of.	
Ords., Art. 33, Sec. 13..	1070
—deed to purchaser at sales for non-payment of bene- fits.	
Ords., Art. 33, Sec. 13..	1070
—investment of amount of damages in city stock before beginning work.	
Ords., Art. 33, Sec. 14..	1071
—lien of benefit assessments.	
Ords., Art. 33, Sec. 14..	1070
—to vest in any volunteer paying benefit assess- ment.	
Ords., Art. 33, Sec. 15	
.....	1071
—notice of re-sale of prop- erty for benefits.	
Ords., Art. 33, Sec. 12..	1070
—notice of sale for non- payment of benefits, publication of.	
Ords., Art. 33, Sec. 11..	1069
—to owners of benefits assessed.	
Ords., Art. 33, Sec. 10	
.....	1069
—payment of benefits, time limit for.	
Ords., Art. 33, Sec. 10..	1069
—proceeds of sale, Collector to pay to Comptroller.	
Ords., Art. 33, Sec. 11..	1069
—purchase money, payment to owner.	
Ords., Art. 33, Sec. 13..	1070
—re-sale of property for lien of benefits, return of records to Comptroller.	
Ords., Art. 33, Sec. 12..	1070
—sale of property for non- payment of benefits, conditions and terms of.	
Ords., Art. 33, Secs. 11-12.....	1069

SEWERS.—(Cont'd).	Page
Benefits and Damages In Condemnations For.—(Cont'd).	
—benefits and damages for constructing, opening or enlarging sewers.	
Acts, Sec. 818.....	504
—assessed for construct- ing, opening, etc., to be lien.	
Acts, Sec. 819.....	505
chairman of Sewerage Com- mission, salary of.	
Ords., Art. 33, Sec. 26..	1075
City Engineer to construct.	
Acts, Sec. 86.....	144
—to superintend con- struction of.	
Ords., Art. 33, Sec. 21	
.....	1073
—when to inspect and ex- amine.	
Acts, Sec. 6.....	68
city's share of costs; amount thereof may be met by levy of tax or raised by loan; sinking fund to retire such loans; levy for.	
Acts, Sec. 823.....	506
city stock to amount of \$5,000, 000 for.	
Acts, Sec. 824.....	506, 507
closing unauthorized connec- tions with.	
Ords., Art. 33, Sec. 23 ...	
.....	1073-4
Commissioner interested in property taken for; ap- pointment of substitute for.	
Ords., Art. 33, Sec. 16..	1071
Commissioners For Opening,	
—assignment of damages when benefits also as- sessed same owner.	
Ords., Art. 33, Sec. 5.....	1062
—assistants and agents, au- thority to employ.	
Ords., Art. 33, Sec. 4.....	1061
—benefits and damages, as- signment of latter to city when both assessed.	
Ords., Art. 33, Sec. 5.....	1062
—City Surveyor to serve on request of.	
Ords., Art. 33, Sec. 4.....	1061

SEWERS.—(Cont'd).**Commissioners for Opening.—(Cont'd).**

- clerk of, duties, oath.
Ords., Art. 33, Sec. 4.....1061
- composition of Board of.
Ords., Art. 33, Sec. 1.....1060
- damages, assignment of to city.
Ords., Art. 33, Sec. 5.....1062
- duties of clerk of Board.
Ords., Art. 23, Sec. 4.....1061
- oath of office, form of.
Ords., Art. 33, Sec. 2.....1060
- record of.
Ords., Art. 33, Secs. 3-4
.....1061
- of clerk, record of.
Ords., Art. 33, Sec. 4.....1061
- Surveyor to serve Board when required.
Ords., Art. 33, Sec. 4.....1061

Commissioner of Health to inspect and examine—
when.
Acts, Sec. 6..... 68

condemnation of land for.
Acts, Sec. 6..... 68

Condemnation of Property For,

- alteration in valuations on review.
Ords., Art. 33, Sec. 8.....1066
- appeals from assessments, notice of.
Ords., Art. 33, Sec. 8.....1066
- assessment of benefits and damages.
Ords., Art. 33, Sec. 6.....1062-3
- on basis of area drained.
Ords., Art. 33, Sec. 6.....1063
- award of damages and benefits when part only of lot taken.
Ords., Art. 33, Sec. 7.....1065
- basis of assessment to be area drained.
Ords., Art. 33, Sec. 6.....1063
- benefits, assessment of to property directly affected.
Ords., Art. 33, Sec. 6.....1063
- bond of purchaser at sale of residue of lots taken.
Ords., Art. 33, Sec. 6.....1063
- claims for damages to whole lot, proceedings in.
Ords., Art. 33, Sec. 7.....1063

SEWERS.—(Cont'd).**Condemnation of Property For.—(Cont'd).**

- correction of assessments on review.
Ords., Art. 33, Sec. 8.....1066
- of maps, etc., on review.
Ords., Art. 33, Sec. 8.....1066
- damages, basis of assessments of.
Ords., Art. 33, Sec. 6.....1063
- compensation where whole lot claimed to be destroyed.
Ords., Art. 33, Sec. 7.....1063
- deposit of proceedings with City Register.
Ords., Art. 33, Sec. 8.....1065-6
- description, maps, etc., of property taken to be filed with City Register.
Ords., Art. 33, Sec. 8.....1065
- excess of damages over benefits, payment of.
Ords., Art. 33, Sec. 6.....1063
- expenses of proceedings to be included in assessment.
Ords., Art. 33, Sec. 6.....1063
- fee and leasehold to be distinguished in taking property.
Ords., Art. 33, Sec. 17.....1071-2
- improvements, etc., on lots taken, sale and re-sale of.
Ords., Art. 33, Sec. 7.....1064
- investment of amount of damages in city stock.
Ords., Art. 33, Sec. 7.....1063
- leasehold and fee to be distinguished in taking property.
Ords., Art. 33, Sec. 7.....1071-2
- meeting for; to proceed, in accordance with notice.
Ords., Art. 33, Sec. 6.....1062
- notice of appeals from assessments.
Ords., Art. 33, Sec. 8.....1066
- of contemplated work to owners of property affected.
Ords., Art. 33, Sec. 6.....1062
- of review of proceedings.
Ords., Art. 33, Sec. 8.....1066
- of sale and re-sale of improvements on, and residue of lots taken.
Ords., Art. 33, Sec. 7.....1064

SEWERS.—(Cont'd).**Condemnation of Property For.—(Cont'd).**

- to owners where whole lot destroyed.
Ords., Art. 33, Sec. 7.....1065
- proceedings in assessments, record of, deposit with City Register.
Ords., Art. 33, Sec. 8.....1065-6
- record of proceedings, maps, etc., to be filed with City Register.
Ords., Art. 33, Sec. 8.....1065
- review of proceedings, meeting for, time limit for.
Ords., Art. 33, Sec. 8.....1066
- sale and resale of improvements, etc., on, and residue of lots taken.
Ords., Art. 33, Sec. 7.....1064
- surrender of lots damaged, by owners.
Ords., Art. 33, Sec. 7.....1065
- tender of value where damage claimed to whole lot.
Ords., Art. 33, Sec. 7.....1063

Construction, Opening, Enlarging or Straightening of Sewers,

- appeals from assessments for by Commissioners; jury trial of appeals.
Acts, Sec. 818..... 504
- assessments of benefits and damages.
Acts, Sec. 818..... 504
- benefits in.
Acts, Sec. 818..... 504, 505
- compensation to owners absent or under disabilities.
Acts, Sec. 818..... 505
- damages in.
Acts, Sec. 818..... 504
- jury trial in appeal from assessments.
Acts, Sec. 818..... 505
- levy of assessments in.
Acts, Sec. 818..... 504
- loan to defray cost of.
Acts, Sec. 818..... 504
- notice of to owners.
Acts, Sec. 818..... 504
- on private property.
Acts, Sec. 818..... 504

Page

SEWERS.—(Cont'd).**Construction, Etc.—(Cont'd).**

- on public property.
Acts, Sec. 818..... 504
- powers of city in relation to.
Acts, Sec. 818..... 504
- power to pass ordinances relating to.
Acts, Sec. 818..... 505
- procedure in determining assessments of benefits and damages.
Acts, Sec. 818..... 504
- connections with, penalty for unauthorized tapping.
Ords., Arts. 33, Sec. 23.....1073
- contracts for construction, etc., City Engineer to prepare plans, etc., for.
Ords., Art. 33, Sec. 22.....1073
- cost of repairs—by whom paid.
Acts, Sec. 6..... 69
- deposit of records of work with City Register.
Ords., Art. 33, Sec. 20.....1072
- drains, private, construction of, permit for.
Ords., Art. 33, Sec. 24.....1074
- duty of City Engineer in respect to construction.
Ords., Art. 33, Secs. 21-25.....1073-4
- expenses—of inspecting sewers.
Acts, Sec. 6..... 68, 69
- per diem of commissioners and clerks.
Ords., Art. 33, Sec. 19.....1072
- fee and leasehold interests to be discriminated in taking property.
Ords., Art. 33, Sec. 17.....1071
- finances and penalties imposed, collection of.
Ords., Art. 33, Sec. 27.....1075
- gas works refuse in, prevention of, penalty.
Ords., Art. 33, Sec. 25.....1074-5
- general powers.
Acts, Sec. 6..... 68

Page

SEWERS.—(Cont'd).**Construction, Etc.—(Cont'd).**

inspection by City Engineer.
Ords., Art. 35, Sec. 10.....1093-94

Jones' Falls, exemption from
provisions for streets.
Acts, Sec. 600..... 359

leasehold and fee to be dis-
criminated in taking prop-
erty for.
Ords., Art. 33, Sec. 17.....1071

lien of assessments for bene-
fits; same recoverable as
city taxes are.
Acts, Sec. 819..... 505

loan of \$5,000,000 for sewers,
etc.
Acts, Sec. 824..506, 507

New Sewerage Commission,

—annual appropriations for
cost of work; duty of
Board of Estimates.
Acts, Sec. §824f..... 515

—appointment of; composi-
tion of; selection of ap-
pointees to.
Acts, Sec. §824a..... 507

—approval of ordinance
authorizing loan.
Acts, Sec. §824f..... 516

—chairman of; his compen-
sation; to preside over
meetings.
Acts, Sec. §824a..... 509

—city stock to amount of
\$10,000,000 to be sold to
defray cost of system;
sinking fund estab-
lished.
Acts, Sec. §824f..... 515

—compensation of members
of.
Acts, Sec. §824a..... 508

—confirmation of nomina-
tions to, by Second
Branch.
Acts, Sec. §824a..... 507

—connections with system
to be made by owners of
property when portions
of system are ready for
service.
Acts, Sec. §824g.....516

SEWERS.—(Cont'd).**New Sewerage Commission.**

—(Cont'd).

—drainage connections to
be maintained unob-
structed; power of city
to enforce observance
of its regulations in re-
lation to.
Acts, Sec. §824g.....516-517

—duties of commission; to
have all necessary powers
to perform its duties.
Acts, Sec. §824b..... 509

—individuals and corpora-
tions to adapt their
buildings, structures and
systems of conduits,
mains, pipes and tracks
to suit new system; pen-
alty and procedure in
case of failure of indi-
viduals and corporations
to comply; condemna-
tions of franchises when
necessary; cost of such
changes to be borne by
said individuals or cor-
porations.
Acts, Sec. §824d.....512-513

—municipality's right to ac-
quire lands and prop-
erty by gift, purchase,
lease or by condemna-
tion proceedings; notice
of condemnation pro-
ceedings and right of
appeal.
Acts, Sec. §824c.....511-512

—municipal officials not
eligible for appointment
to.
Acts, Sec. §824a..... 507

—New Sewerage Act—
effect of on powers of
City Engineer, Commis-
sioner of Street Clean-
ing and other city offi-
cials; Commission to turn
over completed portions
of work to proper city
officials, termination of
life of Commission; City
Librarian to preserve
records of.
Acts, Sec. §824h..... 517

SEWERS.—(Cont'd).**New Sewerage Commission.**

—(Cont'd).

- “New Sewerage System Fund.”—
sinking fund for redemption of New Sewerage loan; premiums from sale of stock; levy of tax for interest and sinking fund.
Acts, Sec. §824f.....515-516
- organization and transaction of business; to have custody of maps, plats, etc., of old Commission.
Acts, Sec. §824a 508
- owners to connect their premises therewith.
Acts, Sec. §824g..... 516
- payment of items of cost and expense in connection with system.
Acts, Sec. §824f..... 515
- powers of.
 - preliminary investigations.
Acts, Sec. §824b..... 509
 - to project and adopt system of sewerage.
Acts, Sec. §824b..... 510
 - to construct and establish sewers of every kind, plants and apparatus for disposal of sewerage; place of construction; execution of deeds, etc.
Acts, Sec. §824b..... 510
 - to utilize present system when practicable in connection with new system of sewerage.
Acts, Sec. §824b..... 510
 - to appoint Chief Engineer; to employ professional and technical advisors and experts and all necessary agents and employes and to fix their compensation.
Acts, Sec. §824b 511
 - to frame, promulgate and enforce rules.
Acts, Sec. §824b..... 511
 - to make contracts.
Acts, Sec. §824b..... 511

SEWERS.—(Cont'd).**New Sewerage Commission.**

—(Cont'd).

- to purchase and procure all necessary machinery, etc., this enumeration of powers not to restrict general powers of commission; pollution of Chesapeake Bay and its tributaries forbidden.
Acts, Sec. §824d 511
- private drains and sewers; cost of adjusting same to be borne by city.
Acts, Sec. §824d 513
- privies, sinks and cesspools to be cleaned and abandoned, power of city to compel compliance, drainage connections, etc.
Acts, Sec. §824g516-517
- removal of appointees to Commission.
Acts, Sec. §824a 508
- resignations from.
Acts, Sec. §824a 508
- secretary of; compensation of; to record minutes and perform duties assigned by Commission.
Acts, Sec. §824a 509
- terms of Commissioners.
Acts, Sec. §824a 507
- vacancies in.
Acts, Sec. §824a 508
- work and supplies costing over \$500 to be done by contract awarded under provisions of Secs. 14, 15 of City Charter; provisions as to hours of labor and work by residents of state, Commission may do work by day labor; in which event merit system shall prevail in selection of appointees to do the work; limitation as to residents of state; all bids may be rejected; bids to be referred to Commission when opened by Board of Awards; duty of Commission in the premises.
Acts, Sec. §824e.....513-514

	Page
SEWERS.—(Cont'd).	
Notice,	
—by Commissioners before acting under ordinance to construct sewers, etc. Acts, Sec. 822.....	506
—of application for passage of ordinance authorizing construction, etc. Acts, Sec. 821.....	506
—to owners of construction of. Acts, Sec. 818.....	504
obstruction of, penalty. Acts, Sec. 817.....	504
—to construction of, removal of, at expense of owner. Ords., Art. 33, Sec. 18.....	1072
ordinances authorizing construction, etc., notice of application for. Acts, Sec. 821.....	506
—relating to construction, opening, etc., sewers. Acts, Sec. 818.....	505
per diem to commissioners and clerks. Ords., Art. 33, Sec. 19.....	1072
permits for constructing. Acts, Sec. 6.....	69
—private sewers to be given by City Engineer. Acts, Sec. 820.....	505
plans, etc., for construction of, City Engineer to prepare. Ords., Art. 33, Sec. 22.....	1073
powers of city relating to construction, opening, etc. Acts, Sec. 818.....	504

Private Sewers.

—application for permit for. Ords., Art. 33, Sec. 21.....	1073
—making same.	
—construction, etc., permit for. Ords., Art. 33, Sec. 24.....	1074
—permits for. Acts, Sec. 820.....	505
—repair of. Acts, Sec. 6.....	67

	Page
SEWERS.—(Cont'd).	

Public Sewers,

City Engineer authorized to enter to repair. Ords., Art. 35, Sec. 8.....	1093
records of work on each sewer to be deposited with City Register on completion. Ords., Art. 33, Sec. 20.....	1072
regulation and repair of. Acts, Sec. 6.....	68
—of drainage. Acts, Sec. 6.....	68
salaries of chairman and members of Sewerage Commission. Ords., Art. 33, Sec. 26.....	1075
Sewerage Commission, salaries of chairman and members. Ords., Art. 33, Sec. 26.....	1075
specifications and plans for construction of, City Engineer to prepare. Ords., Art. 33, Sec. 22.....	1073
survey of routes for, and construction of, by City Engineer. Ords., Art. 33, Sec. 21.....	1073
tapping permits, penalty for unauthorized tapping. Ords., Art. 33, Sec. 23.....	1073
tar or gas house refuse in, prevention, penalty. Ords., Art. 33, Sec. 25.....	1074-5
throwing waste matter into, unlawful, penalty. Ords., Art. 25, Sec. 95.....	990

SHADE TREES,

injury to trees and boxes unlawful, penalty. Ords., Art. 25, Sec. 107.....	994
note.....	994

SHAMBLES IN MARKETS,

construction of, to be raised above pavements, penalty. Ords., Art. 23, Sec. 46.....	932-3
--	-------

	Page
SHARES OF STOCK,	
collection of taxes levied on. Acts, Sec. §155a.....	177
non-resident holders of. Acts, Sec. §155a.....	177
valuation and assessment of same by Appeal Tax Court. Acts, Sec. §155a.....	176
SHARP STREET,	
vehicles; stands for prohibited. Ords., Art. 4, Secs. 33-35,	691-692
SHAVINGS, FIRE PRECAU- TIONS,	
deposit on vacant lots, penalty. Ords., Art. 11, Sec. 66....	758
SHEDS AND OBSTRUCTIONS IN OPENING, ETC., STREETS,	
<i>See "Commissioners for Open- ing Streets."</i>	
SHEDS, FRAME, AND WOODEN BUILDINGS,	
<i>See "Buildings," sub-title "Frame Sheds and Wooden Buildings." Ords., Art. 3, Secs. 87- 92.....</i>	630-632
SHEEP, HOGS AND CATTLE,	
driving through streets. (<i>See "Cattle, Sheep and Swine, driving through streets."</i>) Ords., Art. 25, Secs. 11- 31.....	964-69
SHELLING STREETS,	
<i>See "Grading Streets."</i> Acts, Sec. 6	74
SHERIFF,	
<i>See "Police Commissioners."</i>	
bond of liable for payment of fines to city. Acts, Sec. 442	305
capias; fees for return of. Acts, Sec. 334.....	277

SHERIFF.—(Cont'd).	
—indorsements thereon and re-issues. Acts, Sec. 333.....	277
—return of. Acts, Sec. 333.....	277
condemnation of property for public uses, services of summons and notice. Ords., Art. 8, Sec. 1.....	712
dispensaries to file report with, of number of patients. Acts, Sec. 440.....	305
distrain or execution for fees; notice of, necessary. Acts, Sec. 386.....	293
fees in condemnation proceed- ings. Acts, Sec. 6.....	91
fees of. —arrest on warrant in criminal cases. Acts, Sec. 825.....	518
—attachment for contempt and return. Acts, Sec. 825.....	518
finer and forfeitures, disposi- tion of. Acts, Sec. 438.....	304
—from violation of guaging law; accounting. Acts, Sec. 551.....	343
Grand Jury, summoning members. Acts, Sec. 604.....	361
houses of ill-fame; disposi- tion of fines imposed on keepers of. Acts, Sec. 439.....	305
jurors, drawing names from wheel. Acts, Sec. 605.....	364
—liability for fraud in draw- ing. Acts, Sec. 616.....	372
—summoning. Acts, Sec. 608.....	366
jury books, deposit with. Acts, Sec. 608.....	365
—in appeal from decision of Commissioners for Open- ing Streets. Acts, Sec. 179.....	196

	Page		Page
SHERIFF. —(Cont'd).		SIGNAL BOXES, FIRE ALARM,	
licenses, duties in regard to.		in hotel, theatres, public halls, etc.	
(See " <i>Licenses</i> ," " <i>Duties of Sheriff and Clerk of Court</i> ."')		Ords., Art. 11, Secs. 32-33-34.....	748
officers may execute for fees.		SIGNS,	
Acts, Sec. 384	292	bill-boards, etc.	
—whose fees may be collected by execution.		burnt district—restrictions relating to in deeds.	
Acts, Sec. 385.....	292-293	Ords., Art. 1, Sec. 4, 572-573	
per diem of for attendance at courts.		—construction, permit for.	
Acts, Sec. 383.....	292	Ords., Art 3, Sec. 76, 626-627	
personating sheriff or deputy sheriff; penalty.		—burnt district property cannot be used for this purpose.	
Acts, Sec. 785.....	486	City Code, Art. 1, Sec.4	572-573
returns; penalty for failing to make.		poles, wires, etc.	
Acts, Sec. 338.....	278	—use of sidewalks and streets by.	
unclaimed fines, payable to city by.		Acts, Sec. 6.....	79
Acts, Sec. 441.....	305	SIGN-POSTS AND SIGNS,	
SHIPPING CATTLE BY WATER,		See " <i>Permits</i> ."'	
driving restriction in streets relaxed.		SINKING FUNDS,	
Ords., Art. 25, Sec. 20, 966		See " <i>City Register</i> ," " <i>Parks and Squares</i> ," and " <i>Stocks, Loans, and Finance</i> ."'	
SHIPS, FIRES ON DECK AT NIGHT,		accounts and books of.	
prohibition, penalty.		Ords., Art. 34, Sec. 18, 1083	
Ords., Art. 11, Sec. 63, 757		annual report on by Commissioners of Finance.	
SHUFFLE BOARDS,		Ords., Art. 34, Sec. 11,	1079-1080
licenses for.		certificates purchased for, marking face of.	
Ords., Art. 41, Sec. 6, 1197		Ords., Art. 34, Sec. 11,	1079-1080
SICK, HOSPITALS FOR,		creation of.	
See " <i>Hospitals</i> ."'		Acts, Sec. 6.....	71
SICKNESS OF FIREMEN,		investment of.	
pay during, proviso, certificate of physician.		Acts, Sec. 6.....	71
Ords., Art. 11, Sec. 9, 739		investments to remain separate.	
SIDEWALKS,		Acts, Sec. 6.....	71
See " <i>Buildings</i> ," " <i>Foot-ways</i> " and " <i>Streets and City Engineer</i> ."'		Paving Commission, provision for.	
Ords., Art. 3, Sec. 133, 651		Acts, Sec. §841p.....	542
		sewer loans and liabilities.	
		Acts, Sec. 823.....	506

	Page
SKIDS AND SLIDING BOARDS,	
precaution in use of, penalty, proviso.	
Ords., Art. 25, Sec. 86,	987
SLAUGHTER AND HIDE HOUSES,	
cleanings of not to be deposited.	
Ords., Art. 14, Sec. 97,	827
complaints against, examination into.	
Ords., Art. 14, Sec. 195.	864
driving cattle to and from shipping points unlawful, except between.	
Ords., Art. 25, Sec. 23,	966-967
erection of prohibited.	
Ords., Art. 14, Sec. 197,	865
manner of abating when a nuisance.	
Ords., Art. 14, Sec. 196,	865
notice of removal to owner of premises.	
Ords., Art. 14, Sec. 196,	865
SLEIGHS,	
<i>See "Vehicles."</i>	
SLOP CARTS,	
footways, placing across for filling, etc., prohibited, penalty.	
Ords., Art. 25, Sec. 54,	975
SMALL POX,	
<i>See "Health" sub-title "Contagious and Infectious Diseases" and "Quarantine Hospital."</i>	
Ords., Art. 14, Secs. 10	
31.....	799-805
on vessels.	
—quarantine regulations for, penalty for violation.	
Ords., Art. 14, Sec. 169,	853
SMOKE,	
<i>See "Health."</i>	
Ords., Art. 14, Sec. 122....	833
consumption of.	
Acts, Sec. 6.....	46

	Page
SMOKE.—(Cont'd).	
regulations.	
—enforcement of, by Commissioner of Health.	
Ords., Art. 14, Sec. 125,	834
—violation of, penalty.	
Ords., Art. 14, Sec. 124,	834
in stables.	
—posting regulations in stables.	
Ords., Art. 11, Sec. 56,	755
meat—restricted to special buildings for, penalty.	
Ords., Art. 25, Sec. 33,	969
SNOW,	
removal from sidewalks, duty of owner or occupant of premises, time limit, clearing gutters, penalty.	
Ords., Art. 25, Sec. 76,	983-984
removal from streets and markets by Commissioner of Street Cleaning.	
Ords., Art. 36, Sec. 2,	1140
.....	1141
SOAP AND CANDLE MANUFACTORY,	
operation of, permitted with consent of Mayor and City Council, penalty without consent.	
Ords., Art. 14, Sec. 70,	818
permit to erect, notice of application for.	
Ords., Art. 14, Sec. 71,	818
SOLICITING PURCHASERS ON STREETS,	
interfering with passage along street in unlawful, penalty.	
Ords., Art. 25, Sec. 92,	989
SPARK CATCHERS,	
notice to install.	
Ords., Art. 3, Sec. 86.....	629
SPARRING EXHIBITIONS,	
permit required, penalty.	
Ords., Art. 25, Sec. 102,	992

	Page		Page
SPECIAL COMMISSIONERS,		SPECIAL POLICE FUND.*	
sewer opening, appointment of, instead of interested commissioners.		—(Cont'd).	
Ords., Art. 33, Sec. 16, 1071		execution; said fund and salaries therefrom exempt from execution.	
		Acts, Sec. 776B.....	475
SPECIAL POLICE FUND,*		fraud or false representations in relation to fund or in the procurement of a share of it penalized; false oath or affirmation in relation to, to be perjury.	
annual report of trustees of fund to City Council in October.		Acts, Sec. 776B.....	476
Acts, Sec. 776A.....	475	gifts or bequests to; Police Commissioners to be trustees of.	
appropriation to meet deficiency in fund.		Acts, Sec. 776C, §12.....	478
Acts, Sec. 776C, §11.....	478	license or permit fees for public dances, soirees, mask balls, boxing or athletic contests or other public entertainments; penalty for failure to secure permit; regular dancing schools excepted; annual license for such schools.	
beneficiaries and participants of said fund.		Acts, Sec. §776C, a,.....	479
Acts, Sec. 776C, §9.....	477, 478	matrons; conditions under which they shall participate in fund.	
Board of Estimates to make appropriation for deficiency.		Acts, Sec. 777A.....	481
Acts, Sec. 776C, §11.....	478	monies and funds constituting the Special Police Fund.	
certificate of disability; no retiring salary to be paid except upon certificate as herein set forth.		Acts, Sec. 776.....	474
Acts, Sec. 776F.....	480	—all monies to credit of fund and the increment thereof.	
children of deceased members; allowance to out of fund.		Acts, Sec. 775C.....	476
Acts, Sec. 776D.....	479	—fines and forfeitures imposed by Board.	
contribution of 2% of salary by members of police force to be optional; members not contributing not to participate in fund.		Acts, Sec. 776C.....	476
Acts, Sec. 776C, §9.....	477, 478	—reward, fees, gifts, testimonials, emoluments paid to any member and all gifts and bequests to fund.	
debts or claims against said funds or salaries payable therefrom unenforceable at law or in equity.		Acts, Sec. 776C.....	476
Acts, Sec. 776B.....	475		
deficiency in fund; how provided for.			
Acts, Sec. 776C, §11.....	478		

*NOTE.—Section 777 of City Charter relating to "Special Police Fund" is not indexed as it is almost identical in its provisions with Section 756 of the Charter (pp. 466, 467). Section 756 having been repealed and re-enacted by Acts, 1898, ch. 494, 1900, ch. 233 and 1902, ch. 81, it necessarily supersedes Sec. 777 in so far as the provisions of Section 777 are repugnant or in conflict with those of Section 756; Section 777 remains as enacted by Acts 1898, ch. 123.

SPECIAL POLICE FUND.	Page
—(Cont'd),	
—lost, abandoned, unclaimed or stolen money and monies arising from sale of unclaimed, lost, abandoned or stolen property. Acts, Sec. 776C.....	476
—monies, pay, compensation or salaries forfeited, deducted or withheld from members. Acts, Sec. 776C.....	476
—from licenses, certificates and permits issued and collected by Police Department. Acts, Sec. 776C.....	477
—for permits for public dances, soirees, masked balls, etc. Acts, Sec. 776C.....	477
—derived from two per cent. of semi-monthly pay or salaries of members of force entitled to participate in fund. Acts, Sec. 776C.....	477
—proceeds from share of liquor license monies payable to fund. Acts, Sec. 776C.....	477
—special appropriation to meet any deficiency in fund. Acts, Sec. 776C.....	478
—unexpended balances of appropriations for salaries or compensation of members of police force. Acts, Sec. 776C.....	478
—Board may hold as trustees any gift or bequest to said fund. Acts, Sec. 776C.....	478
Moore, James M.—pension of. Acts, Sec. 780.....	483
not to be impaired by expenditures for patrol wagons. Acts, Sec. 770.....	472
penalty for fraud in relation to. Acts, Sec. 776B.....	476

SPECIAL POLICE FUND.	Page
—(Cont'd).	
powers of Board of Police Commissioners to carry out provisions of Act creating fund. Acts, Sec. 776F.....	480
public dances, soirees, mask balls, boxing or athletic contests or other public entertainments; licenses or permits for. Acts, Sec. §776C, a,.....	479
rules and regulations of trustees relating to. Acts, Sec. 776A.....	475
salaries of beneficiaries. Acts, Sec. 776A.....	475
—under Section 756 of Charter to be for life and not to be revoked, repealed or diminished save as therein provided. Acts, Sec. 776E.....	480
Secretary and Assistant Secretary of Board of Police Commissioners to participate in fund; proviso relating to contributions by said officials. Acts, Sec. 777B.....	482
station-houses—new station-houses and ground therefor to be provided by monies from said fund. Acts, Sec. 779.....	483
superannuated members of police force; appropriations by city when Special Fund is insufficient to meet payments authorized on behalf of such members. Acts, Sec. §777B, a.....	482
superintendent of matrons; to enjoy rights, privileges and benefits of fund. Acts, Sec. 777A.....	481
treasurer of fund to be treasurer of Board of Police Commissioners; bond of treasurer. Acts, Sec. 776A.....	475

Page

SPECIAL POLICE FUND.

—(Cont'd).

trustees of fund; duties and powers of trustees in relation to the fund.

Acts, Sec. 776A..... 475

—of fund to be Board of Police Commissioners.

Acts, Sec. 776A..... 475

widows; allowance to widow of member killed in performance of duty or who died from injuries received in discharge of duty; same to children if there be no widow.

Acts, Sec. 776D..... 479

—and children of members of police killed in discharge of duty; appropriation for by city authorized.

Acts, Sec. §777B, a..... 482

SPECIFICATIONS FOR STEEL CONSTRUCTION,

See "Buildings" sub-title "Iron and Steel Construction."

Ords., Art. 3, Secs. 103-112634-642

SPECIFICATIONS OF CONTRACTS,

See "Contracts."

SPEED REGULATIONS,

See "Vehicles."

SPEED OF HORSES AND VEHICLES,

license; revocation for violating regulations.

Ords., Art. 41, Sec. 74..1223

SPEED OF VEHICLES, ETC.,

park regulations.

Acts, Sec. 93 149

SPEEDY JUDGMENT ACT,

See under "Courts — Law Courts of Baltimore City."

Page

SPITTING ON SIDEWALKS, ETC.,

See "Health" sub-title "Expectoration."

Ords., Art. 14, Secs. 101-104828-829

SPOUTING AND GUTTERS,

penalty for failure to provide.

Ords., Art. 3, Sec. 8..... 602

SPRINGS,

pumps and fountains—erection and regulation of.

Acts, Sec. 6..... 65

squares and monuments—condemnation of property for.

Acts, Sec. 6..... 70

condemnation proceedings.

Acts, Sec. 6 70

appeals therein.

Acts, Sec. 6..... 70

assessments in.

Acts, Sec. 6 70

notice of ordinance.

Acts, Sec. 6..... 70

notice before taking action.

Acts, Sec. 6..... 70

SPRINKLING AND SWEEPING STREETS,

sprinkling required before sweeping, penalty.

Ords., Art. 25, Sec. 55.... 975

railways required to sprinkle tracks.

Ords., Art. 30, Sec. 28....1025

—penalty for refusal.

Ords., Art. 30, Sec. 291025-26

SPUTUM AND SALIVA,

disposal of to prevent contagion.

App. B, Sec. 1.....1264

SQUARES,

and parks—

(*See "Parks and Squares."*)

SQUARES.—(Cont'd).

Page

- public—
 - sheep not to be driven along.
 - Ords., Art. 25, Sec. 12.... 964
- springs and monuments—
 - general powers.
 - Acts, Sec. 6..... 69
- regulating, establishing and maintaining same.
 - Acts, Sec. 6..... 69

STABLES,*See "Buildings."*

- cow stables—
 - hygienic and sanitary regulations for.
 - Ords., Art. 14, Secs. 33, 50.....806-811
- fire precautions—
 - lamps in stables, penalty.
 - Ords., Art. 11, Sec. 54.... 755
- sheds used as, consent of property owners.
 - Ords., Art. 3, Sec. 90..... 631
- uncovered lamps in—
 - posting regulations in, penalty.
 - Ords., Art. 11, Sec. 56.... 755

STAIRWAYS,

- explosive and inflammable compounds under, and obstruction of, prohibited, penalty.
 - Ords., Art. 25, Sec. 34, 969-70

STALLS IN MARKETS,*See "Markets" sub-title "Stalls, Stands and Benches."*

- Ords., Art. 23, Secs. 43-55.....932-5

markets

- Belair Market.
 - Ords., Art. 23, Sec. 63.. 939
- Broadway.
 - Ords., Art. 23, Sec. 69.. 940
- Canton Market.
 - Ords., Art. 23, Secs. 70, 71.....940-41
- Cross Street Market.
 - Ords., Art. 23, Sec. 77.. 942

STALLS IN MARKETS.

Page

—(Cont'd).

- Fells Pt. Market.
 - Ords., Art. 23, Secs. 81-83..... 943
- Hanover Market.
 - Ords., Art. 23, Sec. 87.. 945
- Hollins Market.
 - Ords., Art. 23, Sec. 92.. 946
- Lafayette Market.
 - Ords., Art. 23, Sec. 96.. 947
- Lexington Market.
 - Ords., Art. 23, Secs. 97-99.....947-48
- North East Market.
 - Ords., Art. 23, Secs. 100-105.....945-50
- Richmond Market.
 - Ords., Art. 23, Secs. 107, 108..... 950
- movable and fixed stalls to be erected.
 - Ords., Art. 23, Sec. 15.... 923
- ratification of sales of heretofore made.
 - Ords., Art. 32, Sec. 114.. 953
- renting of by clerk of market; notice to be posted.
 - Ords., Art. 23, Sec. 12.... 922
- vacant stalls, etc.—when same may be occupied temporarily; licensee must consent to use.
 - Ords., Art. 23, Sec. 22.... 926

STAMPING,

- gas meters—
 - setting without, prohibited.
 - Ords., Art. 20, Sec. 10.... 896
- weights and measures—
 - inspection and branding; symbol of.
 - Ords., Art. 17, Sec. 10.... 879

STANDARD,

- screw of fire plugs, etc.—
 - thread, openings, etc.
 - Ords., Art. 11, Sec. 36.... 749
- time—
 - how determined and regulated.
 - Ords., Art. 1, Sec. 52.... 588
- weights and measures—
 - United States Standard, to conform to.
 - Ords., Art. 17, Sec. 7..... 878

	Page		Page
STANDS FOR VEHICLES		STATE TAXES,	
IN STREETS,		city loans—	
<i>See "Vehicles."</i>		exemptions from.	
Mayor to designate; proviso.		Acts, Sec. 154.....	175
Ords., Art. 4, Sec. 32.....	691	—payment of, by City Register.	
STARR M. P. CHURCH, OF		Acts, Sec. 153-154	174-175
BALTIMORE CITY,		Collector of.	
exempt from taxes.		Acts, Secs. 52-58A.....	129-32
note.....	547	daily deposits by Collector of	
STATE BOARD OF BOILER		State Taxes.	
INSPECTORS,		Acts, Sec. 54.....	130
<i>See "Steam Boilers."</i>		percentage of State Collector.	
examining engineers, to		Ords., Art. 38, Sec. 32.....	1168
report to.		STATE TREASURER,	
Acts, Sec. 429.....	301	auctioneer's license.	
STATE COMPTROLLER,		Acts, Sec. 249.....	235
list of holders of city loans,		deposit of State taxes.	
copy to.		Acts, Sec. 54.....	130
Acts, Sec. 152.....	174	examination of books of col-	
return of assessments of		lector of State taxes.	
property to.		Acts, Sec. 55.....	131
Acts, Sec. 162.....	180	prosecution for penalties	
STATE LUNACY COMMISS-		against auctioneers.	
SION,		Acts, Sec. 249.....	235
Visitors of Jail may summons		STATION HOUSES,	
to examine convicts.		<i>See "Police Commissioners"</i>	
Acts, Sec. §120a.....	163	cost of, to be paid out of	
STATE LIBRARY,		"special fund" of Police	
ordinances and resolutions;		Commissioners.	
copies to be furnished to.		(<i>See "Special Police Fund."</i>)	
Ords., Art. 1, Sec. 26.....	579	Acts, Sec. 779.....	483
STATE'S ATTORNEY,		justices for.	
fee in removed cases.		(<i>See "Justices of the Peace."</i>)	
Acts' Sec. 349.....	280	STATIONARY ENGINEERS,	
return of assessments to State		<i>See "Examining Engineers."</i>	
Comptroller.—duty in rela-		STATIONERY, PRINTING	
tion to.		AND SUPPLIES,	
Acts, Sec. 163.....	180	contracts- (<i>See "Librarian"</i>	
STATE TAX COMMISS-		and " <i>Public Printer.</i> ")	
SIONER,		appointment of Joint Stand-	
appeals from decision of, by		ing Committee on, duties.	
city.		Ords., Art. 29, Sec. 1.....	1008
Acts, Sec. §170a,	187-188	contracts for stationery for	
—when to be taken.		schools.	
Acts, Sec. §170a,	187	Acts, Sec. 99.....	153
—grounds of, to be stated.		school supplies.	
Acts, Sec. §170a.....	187	Acts, Sec. 99.....	153

STATUTES,	Page
Art Commission to approve. Acts, Sec. 202.....	207
STAY OF LEVY,	
See " <i>City Collector</i> " and " <i>Taxes</i> ,"	
Acts, Sec. 170.....	186
STEAM BOILERS,	
annual inspection by inspectors.	
Acts, Sec. 577.....	351
certificates of engineers— withdrawal of for incompetency or intemperance.	
Acts, Sec. 581.....	353
certificate of inspection—contents of; to be framed under glass and posted.	
Acts, Sec. 577.....	351, 352
—failure to display, penalty.	
Acts, Sec. 580.....	353
—penalty for issue without inspection.	
Acts, Sec. 577.....	352
—revocation or re-rating of if boiler deteriorates.	
Acts, Sec. 578.....	352
condemned boilers—penalty against owner for using.	
Acts, Sec. 578.....	352
examination of boiler engineers by inspectors.	
Acts, Sec. 581.....	353
fees for inspections—account to be kept and annual report made.	
Acts, Sec. 583.....	354
—in excess of office expenses; accounting.	
Acts, Sec. 584.....	354
—to be paid by owner.	
Acts, Sec. 582.....	353-354
finer and penalties, recovery of.	
Acts, Sec. 589.....	355
inspectors of—districts.	
Acts, Sec. 573.....	349-350
—duties, oath and bond of inspectors.	
Acts, Sec. 572.....	349

STEAM BOILERS.—(Cont'd).	Page
—neglect of duties; penalty.	
Acts, Sec. 587.....	355
—offices of.	
Acts, Sec. 574.....	350
—salaries of inspectors.	
Acts, Sec. 584.....	354
tests of—specifications of tests.	
Acts, Sec. 577.....	351
installation of, subject to permission of Mayor and City Council of Baltimore.	
Acts, Sec. 585.....	354
insurance companies—may inspect; such inspection to exempt owner from requirements of this act if in conformity therewith.	
Acts, Sec. 586.....	354-355
—to have resident inspector.	
Acts, Sec. 586.....	354
notice of inspection; owners to prepare for and assist in inspection.	
Acts, Sec. 576.....	380
owner to report location of boilers; penalty for failure.	
Acts, Sec. 575.....	350
penalty for use without inspection.	
Acts, Sec. 580.....	353
quarterly examination in addition to annual inspection.	
Acts, Sec. 578.....	352
record of inspections; data to be recorded.	
Acts, Sec. 583.....	354
re-examination of, by reviewers.	
Acts, Sec. 579.....	353
re-examination where owner is aggrieved by decision of inspector condemning boiler.	
Acts, Sec. 579.....	352-353
reports from owners of boilers; notice by inspectors.	
Acts, Sec. 574.....	350
requirements of steam boilers under tests by inspectors.	
Acts, Sec. 577.....	351

	Page
STEAM BOILERS. —(Cont'd).	
unlawful pressure — penalty for maintaining. Acts, Sec. 580.....	353
vacancy in office of inspector. Acts, Sec. 588.....	355
water charge for. Ords., Art. 41, Sec. 56.....	1218
STEAM, GAS AND GASOLINE ENGINES AND MACHINERY,	
<i>See "Inspector of Buildings."</i> Ords., Art. 3, Secs. 138-149.....	652-657
STEAM WHISTLES,	
blowing of, hours when prohibited, penalty, exception. Ords., Art. 25, Sec. 6....	963
STEEL AND IRON CONSTRUCTION,	
<i>See "Buildings;" sub-title "Iron and Steel Construction."</i> Ords., Art. 3, Secs. 103-112.....	634-642
STENOGRAPHERS OF COURTS,	
assistants, compensation. Acts, Sec. 382.....	292
duties of. Acts, Secs. 379-380.....	290
Judges of Supreme Bench to appoint court stenographers. Acts, Sec. 379.....	290
notes of judicial proceedings, if necessary, may be taxed as part of costs. Acts, Sec. 380.....	290
Orphans' Court— appointment, duties, notes and compensation. Acts, Sec. 381.....	291-292
—assistant to stenographer. Acts, Sec. 382.....	292
qualifications of. Acts, Sec. 380.....	290

	Page
STENOGRAPHERS OF COURTS. —(Cont'd).	
salaries of court stenographers. Acts, Sec. 379.....	290
term of office. Acts, Sec. 380.....	290

STEVEDORES,*See "Licenses."***STICK WOOD,***See "Wood."***STOCK,**

loans— (<i>See "State Taxes."</i>) —holders of certain loans not allowed set-off. note.....	175
—set-off to taxes on. note.....	173-175

certificates of; city stock—
(*See "Stocks, Loans and Finance"* sub-title "*City Stock.*")

clerk— —appointment and duties of. (<i>See "City Register."</i>) Ords., Art. 6, Sec. 26....	707
--	-----

debt of city— —tax on prohibited. (<i>See "Stocks, Loans and Finance."</i>) Ords., Art. 38, Sec. 12..	1160
--	------

owned by corporations— set-off to taxes, when allowed. note.....	173
--	-----

STOCKS, LOANS AND FINANCE,

See "Assessments;" "City Register;" "Commissioners of Finance;" "Damages;" "McDonogh Educational Fund;" "Opening, etc., Streets;" "Sewers" and "Sinking Funds."

Annex Improvement Loan.
(*See "Streets, Bridges and Highways."*)

	Page
STOCKS, LOANS, AND FINANCE. —(Cont'd).	
Baltimore and Eastern Shore Railroad— endorsement of bonds of, proviso. Acts, Sec. 826.....	518-519
bonds of Baltimore and Eastern Shore Railroad. Acts, Sec. 826.....	519
Burnt District Improvement Loan. App. A, Sec. 32	1260
city stock—	
—assessments of damages by Burnt District Commission, to be invested in. App. A, Sec. 17.....	1252
—signing of. Acts, Sec. 41.....	121
—McDonogh Institute Fund, issue of \$1,000,000 therefor. Acts, Sec. 816.....	502-503
—Peabody Institute Fund. Acts, Sec. 816	503
—sewer opening, investment of, damages in. Ords., Art. 33, Sec. 14.....	1071
Commissioners of Finance,	
—accounts and books of sinking fund. Ords., Art. 34, Sec. 18.....	1082
.....	1083
—of, annual report to councils. Ords., Art. 34, Sec. 14	1081
—application for renewal of lost certificates, notice of. Ords., Art. 34, Sec. 5.....	1078
—of money received for certificates. Ords., Art. 34, Sec. 3.....	1077
—appropriation to pay interest on city stock. Ords., Art. 34, Sec. 9.....	1079
—bond of applicant for renewal of lost certificates. Ords., Art. 34, Sec. 7.....	1078
—books and accounts of. Ords., Art. 34, Sec. 14.....	1081
—certificates of stock, form of. Ords., Art. 34, Sec. 1.....	1076
.....	1077

	Page
STOCKS, LOANS AND FINANCE. —(Cont'd).	
Commissioners of Finance.	
—(Cont'd).	
—chronological list of issues of stock. Ords., Art. 34, Sec. 19.....	1083
—city stock, form of certificate. Ords., Art. 34, Sec. 1.....	1076
.....	1077
—consolidation of certificates of stock. Ords., Art. 34, Sec. 17.....	1082
—debt of city, payment of. Ords., Art. 34, Sec. 13.....	1081
—destroyed or lost certificates, renewal of. Ords., Art. 34, Sec. 5.....	1078
—fractional certificates, transfer of. Ords., Art. 34, Sec. 2.....	1077
—ground rents, investments in, for sinking fund. Ords., Art. 34, Sec. 16.....	1082
—investments for redemption of stock. Ords., Art. 34, Sec. 11.....	1079
—interest on city stock, faith of city pledged for payment of. Ords., Art. 34, Sec. 8.....	1079
—Ordinance of Estimates to provide for payment of. Ords., Art. 34, Sec. 9.....	1079
—payment of. Ords., Art. 34, Sec. 10	1079
—issue of certificates conditional on payment for. Ords., Art. 34, Sec. 2.....	1077
—and sums of certificates. Ords., Art. 34, Sec. 2.....	1077
—leases of city property, proceeds of to sinking fund. Ords., Art. 34, Sec. 12.....	1079
—list of issues of stocks and bonds. Ords., Art. 34, Sec. 19.....	1083
—of stockholders to be prepared annually. Ords., Art. 34, Sec. 4.....	1078
—loan and transfer books for registry of stock. Ords., Art. 34, Sec. 4.....	1078
—loans, investment of premium on in sinking fund. Ords., Art. 34, Sec. 15.....	1081
.....	1082

STOCKS, LOANS AND FINANCE.—(Cont'd).**Commissioners of Finance.**

—(Cont'd).

- lost or destroyed certificates, renewal of.
Ords., Art. 34, Sec. 5....1078
- oath of applicant for renewal of lost certificates.
Ords., Art. 34, Sec. 6....1078
- premium on loans, investment of, in sinking fund.
Ords., Art. 34, Sec. 15....1081
.....1082
- public debt, payment of.
Ords., Art. 34, Sec. 13....1081
- redemption of city stock.
Ords., Art. 34, Sec. 11....1079
- renewal of lost certificates.
Ords., Art. 34, Sec. 5....1078
- rents of city property, application to sinking fund.
Ords., Art. 34, Sec. 12....1079
- report to councils on sinking fund.
Ords., Art. 34, Sec. 11....1079
- sinking fund.
Ords., Art. 34, Secs. 15-181081-1083
- transfer books, closing for preparation of lists of holders.
Ords., Art. 34, Sec. 4....1078

Electrical Commission.

- conduits, extensions, to.
Acts, Sec. §826a.....519-20
- loans to provide for conduits.
Acts, Sec. §826a.....519-20
- note 520
- ordinance authorizing loan, approved of.
Acts, Sec. §826a..... 519-20
- general powers relating to loans and finance.
Acts, Sec. 6..... 71
- interest on loans.
Acts, Sec. 6.....71-72
- investment of sinking fund.
Acts, Sec. 6..... 71

municipal lighting plant.

- approval of voters for,
Acts, Sec. §826b.....520-521
- ordinance authorizing issue of stock for.
Acts, Sec. §826b..... 520

Page

STOCKS, LOANS AND FINANCE.—(Cont'd).**Commissioners of Finance.**

—(Cont'd).

- stock issue for.
Acts, Sec. §826b..... 520
- park improvement loan.
(See "*Parks and Squares.*")
- Paving Commission and \$5,-000,000 paving loan. (See "*Streets, Bridges and Highways.*")
- payment of taxes on city stock.
Acts, Sec. 6..... 71
- sinking funds.
Acts, Sec. 6 71
- temporary loans; City Register may make.
Ords., Art. 6, Sec. 24.... 706

STOCK YARDS,

- erection of, prohibited; penalty.
Ords., Art. 14, Sec. 77.. 820

STOP-OVER ON TICKETS,See "*Railroads.*"**STOPPING OF STREET CARS.**

- stop at engine and hook and ladder houses.
Ords., Art. 30, Secs. 35-361027-8
- stop on far side; penalty.
Ords., Art. 30, Secs. 33-34.....1027

STORAGE OF OILS,See "*Fire Regulations*" and "*Oils and Fluid Illuminants.*"**STORAGE TANKS FOR GASOLINE,**See "*Fire Regulations.*"

- requirements for.
Ords., Art. 11, Sec. 76.. 762

STORES,

- enticing purchasers from prohibited, penalty.
Ords., Art. 25, Sec. 94.... 989

Page

STORES AND WAREHOUSES, Page

- gunpowder in.
- sign on outside of.
- Ords., Art. 11, Sec. 82.... 765

STORING,

- oyster shells, when prohibited.
- Ords., Art. 14, Sec. 120.. 833

STORING EXPLOSIVES,

- gunpowder,
- quantity to be kept.
- Ords., Art. 11, Sec. 81.. 764
- sign on building.
- Ords., Art. 11, Sec. 71.. 760

STOVES USING GASOLINE,

- See "Fire Regulations."*
- specifications for, sale of, registry of dealers, permit, fee.
- Ords., Art. 11, Sec. 77.... 763

STRAIGHTENING SEWERS,

- See "Sewers."*

STRAW AND HAY,

- keeping for sale, buildings for, penalty.
- Ords., Art. 11, Sec. 61..756-7
- weighing and inspection of,
- (*See "Inspections, Weights and Measures."*)

STREET BANDS,

- parades of, on Sabbath unlawful, penalty, proviso.
- Ords., Art. 31, Sec. 4....1041

STREET CARS,

- See "Railroads and Railways."*
- fenders on.
- Acts, Sec. 6..... 66
- speed of.
- Ords., Art. 30, Sec. 30....1026
- standing on tracks forbidden.
- Ords., Art. 30, Sec. 37....1028

STREET CLEANING,

Page

Commissioner of,

- appointment, duties, salary.
- Acts, Sec. 83..... 143
- ashes, collection and removal of.
- Ords., Art. 36, Sec. 2..1140-1
- contracts for removal of.
- Ords., Art. 36, Sec. 4..1141-2
- Baltimore Sanitary Contracting Company, contract with.
- Ords., Art. 36, Sec. 5....1142
- Baltimore street, flushing with water.
- Ords., Art. 36, Sec. 7.....1143
- bond of.
- Ords., Art. 36, Sec. 1.....1140
- "Burnt District," powers relating to.
- App. A, Sec. 31.....1259-1260
- canning house refuse, contracts for removal of.
- Ords., Art. 36, Sec. 4....1142
- daily reports by district superintendents.
- Ords., Art. 36, Sec. 2....1141
- dead animals, contracts for removal of.
- Ords., Art. 36, Sec. 5.....1142
- digging up and restoration of street surface, penalty.
- Ords., Art. 36, Sec. 8....1143
- district superintendents, Commissioner to supervise work of.
- Ords., Art. 36, Sec. 3.....1141
- duties of.
- Ords., Art. 36, Sec. 2....1140-1
- flushing Baltimore street with water.
- Ords., Art. 36, Sec. 7....1143
- streets, authority for.
- Ords., Art. 36, Sec. 61142
- garbage, collection and removal of.
- Ords., Art. 36, Sec. 2..1140-1
- contracts for removal of.
- Ords., Art. 36, Sec. 4..1141-2
- inspection of streets to be made weekly.
- Ords., Art. 36, Sec. 3....1141
- markets, removal of snow from.
- Ords., Art. 36, Sec. 2,1141-1142
- member Board of Public Safety.
- Acts, Sec. 68..... 137

	Page
STREET CLEANING. —(Cont'd).	
Commissioner of. —(Cont'd).	
—Paving Commission, duties not affected by.	
Acts, Sec. §841s	544
—restoration of street surface by persons digging up same, penalty.	
Ords., Art. 36, Sec. 8.....	1143
—snow, removal of from crossings, markets, etc.	
Ords., Art. 36, Sec. 2.....	1140-1
—removal from sidewalks.	
Ords., Art. 25, Sec. 76,	983-984
—subordinates, appointment of, compensation of,	
Acts, Sec. 83.....	143
—district superintendents to report daily to Commissioner.	
Ords., Art. 36, Sec. 2.....	1141
Garbage, Removal of,	
—ashes and kitchen offal in separate vessels, penalty.	
Ords., Art. 36, Sec. 9	1143-4
—boxes for, at street corners, individuals may place.	
Ords., Art. 36, Sec. 10.....	1144
—carts for collection of, to be covered.	
Ords., Art. 36, Sec. 12.....	1144
—covered vehicles for removal of dead animals.	
Ords., Art. 36, Sec. 11.....	1144
—dead animals, removal of.	
Ords., Art. 36, Sec. 11.....	1144
—definition of "Garbage."	
Ords., Art. 36, Sec. 9.....	1144
—dirt and manure from streets, penalty for removal of.	
Ords., Art. 36, Sec. 13.....	1145
—garbage carts, requirements for.	
Ords., Art. 36, Sec. 12.....	1144
—garbage defined.	
Ords., Art. 36, Sec. 9.....	1144
—housekeepers, duty of in placing garbage, etc., for collection.	
Ords., Art. 36, Sec. 9.....	1143
—manure and dirt from streets, penalty for removal of.	
Ords., Art. 36, Sec. 13.....	1145
note	1144
—receptacles for garbage, housekeepers to provide.	
Ords., Art. 36, Sec. 9.....	1143-4

	Page
STREET CLEANING. —(Cont'd).	
Garbage, Removal of. —(Cont'd).	
—removal of dirt and manure from streets without authority, penalty.	
Ords., Art. 36, Sec. 13.....	1145
superintendents of streets,	
—districts, division of City into.	
Ords., Art. 36, Sec. 14.....	1145
—duties of; subordinates of Commissioner.	
Ord., Art. 36, Sec. 15.....	1145
—fines and penalties, recovery of.	
Ords., Art. 36, Sec. 19.....	1147
—footways, etc., removal of snow and ice from.	
Ords., Art. 36, Sec. 15,	1145-46
—hours of labor for street cleaners.	
Ords., Art. 36, Sec. 15.....	1145-46
—ice and snow, removal from squares, etc.	
Ords., Art. 36, Sec. 15.....	1145-46
—offal at markets, removal of on Sunday.	
Ords., Art. 36, Sec. 18.....	1147
—orders of Commissioner, execution of.	
Ords., Art. 36, Sec. 17.....	1147
—paymaster of street cleaners, bond, duties.	
Ords., Art. 36, Sec. 16	1146
STREET CROSSINGS,	
<i>See "Railroads and Railways."</i>	
cars of railroads not to obstruct; penalty.	
Ords., Art. 30, Sec. 4.....	1017
speed of cars at.	
Ords., Art. 30, Sec. 32.....	1026
STREET DIRT,	
<i>See "Garbage and Street Dirt" and "Street Cleaning."</i>	
STREET EXHIBITIONS,	
<i>See "Police Regulations."</i>	
license of.	
Acts, Sec. 6.....	61

STREET FAKIRS AND VENDERS,

See "*Police Regulations.*"

prohibited; penalty.

Ords., Art. 25, Sec. 112,
.....995-996

STREET LAMPS,

See "*Lamps and Lighting.*"

placing and removal of
screens for.

Ords., Art. 20, Sec. 21,
.....899-900

screens over, permit for on
application.

Ords., Art. 20, Secs. 19,
20.....899

STREET RAILWAYS,

See "*Park Tax*" and "*Rail-
roads and Railways.*"

in annex—

(See "*Park Tax*" and "*Rail-
way Easements in Annex.*")

all night cars; hours during
which to be run.

Ords., Art. 30, Sec. 22.....1022

fares on—

(See "*Railroads and Rail-
ways.*")

rails to be laid on bridges.

Ords., Art. 30, Sec. 23.....1023

repair of streets by; space to
be kept in repair; penalty
for failure.

Ords., Art. 30, Sec. 24.....1024

franchises for—

repair of streets to be a con-
dition of grants thereof.

Ords., Art. 30, Sec. 25.....1024

tracks of—

Paving Commission, paving
tracks.

Acts, Sec. §841r.....544

—streets on which prohibited.
(See "*Prohibiting Tracks
on Certain Streets.*")

STREETS,

See "*Streets and City Engi-
neer;*" "*Streets, Bridges
and Highways;*" "*Grad-
ing, Paving, etc., Streets;*"
"*Opening, Closing, etc.,
Streets;*" "*Commissioners
for Opening Streets;*"
"*Health;*" "*Nuisances;*"
"*Lamps and Lighting;*"
"*Electrical Commission and
Subways;*" "*Paving, etc.,
Streets;*" "*Topographical
Survey*" and "*Board of
Estimates.*"

STREETS AND CITY ENGINEER,

See "*Streets, Bridges and
Highways;*" "*Advertise-
ments;*" "*Appeals;*" "*As-
sessments;*" "*Benefits;*"
"*Board of Estimates;*"
"*City Collector;*" "*City
Council;*" "*City Register;*"
"*City Solicitor;*" "*Com-
missioners for Opening
Streets;*" "*Condemnation of
Property;*" "*Damages;*"
"*Fire;*" "*Fire Regula-
tions;*" "*Electrical Com-
mission and Subways;*"
"*Grading, Paving, etc.,
Streets;*" "*Health;*" "*In-
spections Weights and
Measures;*" "*Lamps and
Lighting;*" "*Licenses;*"
"*Markets;*" "*Nuisances;*"
"*Opening, Closing, etc.,
Streets;*" "*Paving, etc.,
Streets;*" "*Police Commis-
sioners;*" "*Police Regula-
tions;*" "*Railroads and
Railways;*" "*Sewers;*"
"*Taxes;*" "*Topographical
Survey;*" "*Vehicles*" and
"*Water.*"

annex footways,

Ords., Art. 35, Sec. 29.....1101

annual report of City Engi-
neer; data relating to
opening, etc., of streets
to be given therein.

Ords., Art. 35, Sec. 2.....1902

asphalts which may be used
for paving under ordinances,

Ords., Art. 35, Sec. 101.....1130

	Page
STREETS AND CITY ENGINEER. —(Cont'd).	
assessments for work of grading, paving, etc. Ords., Art. 35, Sec. 92.....	1126
Bermuda asphalt or any other asphalts equally good may be used in re-paving. Ords., Art. 35, Sec. 101.....	1130
bids and contracts for paving authorized by ordinance. Ords., Art. 35, Sec. 91.....	1126
bond of City Engineer. Ords., Art. 35, Sec. 3.....	1092
—of Assistant City Engineers. Ords., Art. 35, Sec. 3.....	1092
bridges; repair of same on approval by Mayor. Ords., Art. 35, Sec. 9.....	1093
cobble stone pavements, prohibited. Ords., Art. 35, Sec. 77.....	1120
construction, paving and curbing of streets; duty of City Engineer. Acts, Sec. 86.....	144
contracts for paving, etc., authorized by ordinance. Ords., Art. 35, Sec. 91.....	1126
corporations using streets.—replacement and restoration of street surface by, penalty. Ords., Art. 35, Sec. 114.....	1136
—City Engineer to repair streets and collect cost from same on default of same. Ords., Art. 35, Sec. 115,	1136-37
crossings of streets, flag and flag stones; materials for to be selected by City Engineer. Ords., Art. 35, Sec. 18.....	1096
—contracts to specify such materials. Ords., Art. 35, Sec. 18.....	1096
—vitrified block to be used for in paving under contracts. Ords., Art. 35, Sec. 18.....	1096

	Page
STREETS AND CITY ENGINEER. —(Cont'd).	
documents and official papers; heading of. Ords., Art. 35, Sec. 4.....	1092
duties and authority of City Engineer—bids for work; public writings to be preserved. Ords., Art. 35, Sec. 1.....	1091
—journals of proceedings relating to condemnation, etc., to be kept. Ords., Art. 35, Sec. 1.....	1091
—matters to be recorded therein. Ords., Art. 35, Sec. 1.....	1091
—return of same to City Register. Ords., Art. 35, Sec. 1.....	1091
excavations to be filled in compactly—penalty. Ords., Art. 35, Sec. 113.....	1135
flag and stepping stones to be provided by City Engineer. Ords., Art. 35, Sec. 83.....	1122
Footways,	
—Burnt District; permits for paving of. Ords., Art. 35, Sec. 13.....	1094
—drainage under sidewalks. Ords., Art. 35, Secs. 32-36.....	1102-1103
—grading of annex footways. Ords., Art. 35, Sec. 30.....	1101
—paving of required by City Engineer. Ords., Art. 35, Sec. 28.....	1100-1101
—penalty for failure to repair. Ords., Art. 35, Sec. 26..	1100
—repair after notice by City Engineer. Ords., Art. 35, Sec. 22.....	1098
—specifications for, in Burnt District. Ords., Art. 35, Sec. 14.....	1095
—repairs, payment of by City Register. Ords., Art. 35, Sec. 25.....	1099
Grade Lines,	
—building permits not to be issued until established. Ords., Art. 35, Sec. 51.....	1109

STREETS AND CITY ENGINEER.—(Cont'd).**Grade Lines.**—(Cont'd).

- buildings to conform to.
Ords., Art. 35, Sec. 52.....1109
- chart of to be made and filed,
Ords., Art. 35, Sec. 51.....1109
- City Surveyor to establish or change when directed by City Engineer.
Ords., Art. 35, Sec. 41.....1105
- collection of costs of establishment and changes.
Ords., Art. 35, Sec. 40.....1105
- cost of establishment and changes.
Ords., Art. 35, Secs 40-441105-1106
- establishment of by proper officer before building permits are granted.
Ords., Art. 35, Sec. 50.....1108
- on application of owner.
Ords., Art. 35, Sec. 39,1104-1105
- notice to City Surveyor of ordinance.
Ords., Art. 35, Sec. 41.....1105
- penalty for building not in conformity with; duty of Inspector of Buildings.
Ords., Art. 35, Sec. 53.....1109
- private alleys; establishment or change of lines of; cost of.
Ords., Art. 35, Sec. 45.....1106-1107
- record of establishment and changes to be kept by City Engineer.
Ords., Art. 35, Sec. 40.....1105

Grades of Streets,

- appeals from decisions of City Engineer.
Ords., Art. 35, Sec. 47.....1107, 1108
- from establishment of; expenses of.
Ords., Art. 35, Sec. 49.....1108
- bond of appellants from decisions of City Engineer.
Ords., Art. 35, Sec. 48.....1108

Grading, Paving, etc., Streets,
(See "Grading, Paving, etc. Streets.")

STREETS AND CITY ENGINEER.—(Cont'd).**Grading, Paving, Etc., in Annex (By City.)**

- advertisement of notice of application for.
Ords., Art. 35, Sec. 63.....1113
- of deposit of proceedings.
Ords., Art. 35, Sec. 68.....1116
- of review of assessments.
Ords., Art. 35, Sec. 67.....1115
- appeals—notice of right.
Ords., Art. 35, Sec. 68.....1116
- application of owners for—Mayor may sign for city property.
Ords., Art. 35, Sec. 64.....1113
- who may sign as such.
Ords., Art. 35, Sec. 64.....1113
- assessments—accounting of moneys collected for.
Ords., Art. 35, Sec. 72.....1117
- collection of; proceedings for.
Ords., Art. 35, Sec. 71.....1117
- corrected list of to be filed with City Register.
Ords., Art. 35, Sec. 67.....1115
- correction of.
Ords., Art. 35, Sec. 67.....1115
- hearing for review of.
Ords., Art. 35, Sec. 67.....1115
- of expense on owners pro rata with front feet.
Ords., Art. 35, Sec. 62.....1113
- petition for review to Baltimore City Court.
Ords., Art. 35, Sec. 70.....1116
- transfer of list to City Collector for collection.
Ords., Art. 35, Sec. 71.....1117
- written or printed notice of, to be served on owners.
Ords., Art. 35, Sec. 69.....1116
- benefits; assessments for—to be liens.
Ords., Art. 35, Secs. 66, 671115, 1116
- when payable.
Ords., Art. 35, Sec. 71.....1117
- payment may be deferred.
Ords., Art. 35, Sec. 66.....1114
- review of Baltimore City Court—petition of owners.
Ords., Art. 35, Sec. 70.....1116

STREETS AND CITY**ENGINEER.—(Cont'd).****Grading, Paving, Etc., in Annex (By City).—(Cont'd).**

- Commissioners for Opening Streets; powers as to such paving.
Ords., Art. 35, Sec. 62....
.....1112, 1113
- cross streets; city to pay cost of.
Ords., Art. 35, Sec. 65....1114
- deposit of proceeding with City Register; advertisement of notice.
Ords., Art. 35, Sec. 68....1116
- fund created by Act. 1904, ch. 274.
Ords., Art. 35, Sec. 72....1117
- notice of application of owners for.
Ords., Art. 35, Sec. 63....1113
- notice of assessments.
Ords., Art. 35, Sec. 69....1116
- of review of assessments.
Ords., Art. 35, Sec. 67....1115
- owners of majority of front feet may request; duty of Commissioners for Opening Streets in such cases.
Ords., Art. 35, Sec. 62....
.....1112, 1113
- sidewalks; cost of.
Ords., Art. 35, Sec. 62....1113
- tax for expense of against owners pro rata with front feet.
Ords., Art. 35, Sec. 65....1114

Same (By Owners.)

- area to be paved; minimum area.
Ords., Art. 35, Sec. 73....1118
- bond of indemnity from owners.
Ords., Art. 35, Sec. 73,1118-1119
- cross streets; paving by city.
Ords., Art. 35, Sec. 73....1118
- owners to select paving, etc., and to grade and pave at their own expense.
Ords., Art. 35, Sec. 73....1118
- uniform paving required.
Ords., Art. 35, Sec. 73....1118

STREETS AND CITY**ENGINEER.—(Cont'd).****Same in Annex (on Application of Owners.)**

- Ords., Art. 35, Sec. 54....1110
 - application for, Mayor may sign on behalf of city.
Ords., Art. 35, Sec. 59....1111
 - application for; who may sign as owners.
Ords., Art. 35, Sec. 57....1111
 - contracts for; advertisements for proposals.
Ords., Art. 35, Sec. 56,1110-1111
 - contractor; payment of.
Ords., Art. 35, Sec. 75,1119-1120
 - cross streets; expenses for grading, etc.
Ords., Art. 35, Sec. 60....1112
 - curbstones, when not required.
Ords., Art. 35, Sec. 58....1111
 - notice of application by advertisement.
Ords., Art. 35, Sec. 55....1110
 - selection of kind of pavement by owners.
Ords., Art. 35, Sec. 61....1112
 - tax for—assessment of, against owners.
Ords., Art. 35, Sec. 74....1119
 - collection of by City Collector.
Ords., Art. 35, Secs. 75-761119-1120
 - cost of paving, etc., assessment of.
Ords., Art. 35, Sec. 74....1119
 - list of owners liable for.
Ords., Art. 35, Sec. 75....1119
 - notice to persons assessed.
Ords., Art. 35, Sec. 76....1120
- Grading, Paving, etc., Under Ordinances,**
- appeals from assessments for.
Ords., Art. 35, Sec. 96....1128
 - assessment for; collection of.
Ords., Art. 35, Sec. 98....1129
 - list of assessments, correction of.
Ords., Art. 35, Sec. 93....1127
 - cost of, apportionment by City Engineer.
Ords., Art. 35, Sec. 92....1126

STREETS AND CITY**ENGINEER.—(Cont'd).****Grading, Paving, etc., Under Ordinances.—(Cont'd).**

- excess of expenses over assessments for; payment of.
Ords., Art. 35, Sec. 99.....1130
- lien of assessments for costs.
Ords., Art. 35, Sec. 93.....1127
- notice of apportionment of cost by advertisement.
Ords., Art. 35, Sec. 93.....1127
- of assessments for, proviso.
Ords., Art. 35, Sec. 95.....1128
- of right to appeal from apportionment of costs.
Ords., Art. 35, Sec. 94.....1128
- review and correction of apportionment of costs.
Ords., Art. 35, Sec. 93.....1127
- refund to owners for assessments paid under void ordinances.
Ords., Art. 35, Sec. 97.....1129
- where assessments are excessive.
Ords., Art. 35, Sec. 100.....1130
- void ordinances; duty of Comptroller and City Register to refund assessments paid.
Ords., Art. 35, Sec. 97...1129
- work of; when begun.
Ords., Art. 35, Sec. 100.....1130
- grading, paving, etc., private alleys in state of nuisance.
Ords., Art. 35, Sec. 45,1106-1107
- gutter plates; weights to be stamped on.
Ords., Art. 35, Sec. 11.....1094
- inspections; deposits of money for cost of inspection of work of private parties.
Ords., Art. 35, Sec. 10,1093-94
- work to be inspected.
Ords., Art. 35, Sec. 10.....1094
- labor for city work; employment of skilled labor authorized.
Ords., Art. 35, Sec. 5.....1092
- how to be obtained.
Ords., Art. 35, Sec. 7.....1093

STREETS AND CITY**ENGINEER.—(Cont'd).**

- registered voters to be given preference.
Ords., Art. 35, Sec. 6.....1093
- lines of streets.
- appeals from decision of City Engineer; appointment of arbitrators; procedure of appeals.
Ords., Art. 35, Secs. 47, 49.....1107-1108
- bond of appellant in appeals from decisions of City Engineer.
Ords., Art. 35, Sec. 48.....1108
- buildings not to be erected until lines established.
Ords., Art. 35, Sec. 46.....1107
- City Engineer to establish.
Ords., Art. 35, Sec. 46.....1107
- macadamizing permitted in "Annex."
Ords., Art. 35, Sec. 82.....1122
- mains and sewers; construction of in alleys when practicable.
Ords., Art. 35, Sec. 1101134
- newly opened streets; selection of paving for.
Ords., Art. 35, Sec. 78,1120-1121
- notice to owners by advertisement to signify paving desired.
Ords., Art. 35, Sec. 78,1120-1121
- nuisances in streets.
- abatement of by paving or repaving.
Ords., Art. 35, Sec. 85.....1123
- apportionment of cost of paving or repaving.
Ords., Art. 35, Sec. 86.....1123
- expenses of paving, etc., to abate.
Ords., Art. 35, Sec. 85.....1123
- notice to non-resident owners of charges for abating.
Ords., Art. 35, Sec. 88.....1124

**STREETS AND CITY
ENGINEER.—(Cont'd).**

- paving or repaving to abate;
notice before commencing
work.
Ords., Art. 35, Sec. 86....1123
- refund of expenses of paving
when court decides
no nuisance existed.
Ords., Art. 35, Sec. 87..1124

Paving—

- contracts**—guarantee of contractor to maintain pavements in good order.
Ords., Art. 35, Sec. 16
..... 1095-96
- removal of old material required.
Ords., Art. 35, Sec. 16....1096

- materials**—definition of improved pavements.
Ords., Art. 35, Sec. 79..1121

- ordinances**—City Solicitor to give opinion as to legal form and sufficiency of.
Ords., Art. 35, Sec. 89..1125
- hearings before Council.
Ords., Art. 35, Sec. 90..1125
- Joint Standing Committee of Highways of Council; duties relating to.
Ords., Art. 35, Sec. 90..1125
- no work to be done under until City Solicitor approves.
Ords., Art. 35, Sec. 89..1125
- preliminaries to passage of such ordinances.
Ords., Art. 35, Sec. 90
.....1125-1126

- work**—to be done by contract or day labor.
Ords., Art. 35, Sec. 81
.....1121-1122

Permits for Digging Up Streets,

- applications for; conditions and terms under which permits are to be granted.
Ords., Art. 35, Sec. 106
1132-1133
- gas, sewer and water connections.
Ords., Art. 35, Sec. 109
.....1133-1134

**STREETS AND CITY
ENGINEER.—(Cont'd).****Permits for Digging Up
Streets.—(Cont'd).**

- paved streets; bed or pavement of; penalty.
Ords., Art. 35, Sec. 105
.....1131-1132
- penalty for violation of provisions relating to.
Ords., Art. 35, Sec. 107
.....1133
- regulations for issuing.
Ords., Art. 35, Sec. 106
.....1132
- trenches, drains, gutters, etc.; penalty.
Ords., Art. 35, Sec. 108
.....1133
- unpaved streets; removal of earth from; penalty.
Ords., Art. 35, Sec. 104
.....1131
- water connections.
Ords., Art. 40, Sec. 28..1187
- poles, telegraph, telephone and electric light, applications for permits to plant; conditions and terms of permits.
Ords., Art. 35, Sec. 106
.....1132-1133
- permit for planting required.
Ords., Art. 35, Sec. 105
.....1131-1132
- protection of street surface.
Ords., Art. 35, Sec. 116
.....1137-1138
- repairs of streets.
Ords., Art. 35, Sec. 111..1134
- corporations using—failure of to repair streets.
Ords., Art. 35, Sec. 115
.....1136-1137
- duty of; penalty.
Ords., Art. 35, Sec. 114
.....1136
- repaving of streets dug up by Water Board.
Ords., Art. 40, Secs., 27, 29, 301186-1187
- restoring street surface; penalty.
Ords., Art. 35, Sec. 113..1135

STREETS AND CITY ENGINEER.—(Cont'd).

selection of paving for newly opened streets.	Ords., Art. 35, Sec. 78	1120-1121
—when city pays whole cost.	Ords., Art. 35, Sec. 80.	1121
sewers; entry for repairing public sewers.	Ords., Art. 35, Sec. 8.	1093
surface of streets; restoration and repair of.	Ords., Art. 40, Secs. 23, 24, 27, 29, 30	1184-1187
surface of street; protection of; fires on pavements forbidden.	Ords., Art. 35, Sec. 116.	1137
—kerosene or other oils not to run on.	Ords., Art. 35, Sec. 116.	1137
—mixing mortar on asphalt.	Ords., Art. 35, Sec. 116.	1137
—oil tank wagons; drip pans.	Ords., Art. 35, Sec. 116.	1137
—penalty.	Ords., Art. 35, Sec. 116.	1138
—trestles on asphalt.	Ords., Art. 35, Sec. 116	1137-1138
trenches made by gas companies.	Ords., Art. 35, Sec. 111.	1134
vaults and areas, protection and construction.	Ords., Art. 25, Secs. 113-14	996
wharves, docks, etc.		
—cleaning of private wharves, etc.	Ords., Art. 35, Sec. 84.	1122
—tax to cover cost of cleaning private wharves, etc.	Ords., Art. 35, Sec. 84.	1122
work of grading, paving, etc., authorized by ordinance; to be done by contract or day labor.	Ords., Art. 35, Sec. 91.	1126

STREETS, BRIDGES AND HIGHWAYS,

See "*Streets and City Engineer*," "*Advertisements*," "*Appeals*," "*Assessments*," "*Benefits*," "*Board of Estimates*," "*City Collector*," "*City Council*," "*City Register*," "*City Solicitor*," "*Commissioners for Opening Streets*," "*Condemnation of Property*," "*Damages*," "*Fire*," "*Fire Regulation*," "*Electrical Commission and Subways*," "*Grading, Paving, Etc., Streets*," "*Health*," "*Inspections, Weights and Measures*," "*Lamps and Lighting*," "*Licenses*," "*Markets*," "*Nuisances*," "*Opening, Closing, Etc., Streets*," "*Paving, Etc., Streets*," "*Police Commissioners*," "*Police Regulations*," "*Railroads and Railways*," "*Sewers*," "*Taxes*," "*Topographical Survey*," "*Vehicles*," and "*Water*"

alphabetical list of; custodians of copies of.
Ords., Art. 6, Sec. 28..... 707

Annex Improvement Loan and Commission,

—additional powers to commission.	Acts, Sec. §841c	532
—agent of city, commission as.	Acts, Sec. §841e	533
—annual report.	Acts, Sec. §841b	531-2
—application for loan confined to annex.	Acts, Sec. §841a	530
—appointment of Commission.	Acts, Sec. §841b	531-2
—approval by voters, of loan and commission.	Acts, Sec. §841a	530
—assessment of costs of sidewalks.	Acts, Sec. §841f	534
—authority of Commission over Municipal Officers.	Acts, Sec. §841d	532-3

	Page
STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).	
Annex Improvement Loan and Commission.—(Cont'd).	
—to employ help and furnish office.	
Acts, Sec. §841b.....	531-2
—building line, to fix.	
Acts, Sec. §841c.....	532
—City Solicitor to certify titles.	
Acts, Sec. §841e.....	533
—Chairman of Commission, compensation, duties.	
Acts, Sec. §841b.....	531-2
—compensation of Commission.	
Acts, Sec. §841b.....	531-2
—completed work, to turn over to City.	
Acts, Sec. §841i.....	534
—composition of Commission, bi-partizan.	
Acts, Sec. §841b.....	531-2
—condemnation by ordinance.	
Acts, Sec. §841e.....	533
—condemn, lay out, open, etc., streets.	
Acts, Sec. §841c.....	532
—contract for improvements.	
Acts, Sec. §841g.....	534
—conveyances to City.	
Acts, Sec. §841e.....	533
—costs of work, payment of.	
Acts, Sec. §841g.....	534
—direct supervision of work.	
Acts, Sec. §841g.....	534
—duties and powers of Commission.	
Acts, Sec. §841c.....	532
—drainage of annex.	
Acts, Sec. §841h.....	534
—election of Chairman of Commission, duties.	
Acts, Sec. §841b.....	531-2
—execution of work, other than by contract.	
Acts, Sec. §841g.....	534
—extend streets, etc.	
Acts, Sec. §841c.....	532
—footways, improvement at expense of abutting owners.	
Acts, Sec. §841f.....	534
—grading, etc., streets.	
Acts, Sec. §841c.....	532
—highways, streets to become public.	
Acts, Sec. §841e.....	533

	Page
STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).	
Annex Improvement Loan and Commission.—(Cont'd).	
—issue of stock for loan.	
Acts, Sec. §841a.....	530
—maps and records, property of city.	
Acts, Sec. §841i.....	535
—preparation of; what to show.	
Acts, Sec. §841d.....	532-33
—maximum yearly issue of stock.	
Acts, Sec. §841a.....	530
—open, grade, etc., streets.	
Acts, Sec. §841c.....	532
—ordinance, condemnation by.	
Acts, Sec. §841e.....	533
—paving, grading, etc.,	
Acts, Sec. §841c.....	532
—powers of Commission.	
Acts, Sec. §841c.....	532
—proceedings in condemnation, ordinance to provide.	
Acts, Sec. §841e.....	533
—proceeds of loan, application of.	
Acts, Sec. §841a.....	530
—proviso, when work to be done by Commissioners for Opening Streets.	
Acts, Sec. §841j.....	535
—qualifications of Commissioners.	
Acts, Sec. §841b.....	531-2
—quorum of Commission.	
Acts, Sec. §841b.....	531-2
—records to be public.	
Acts, Sec. §841b.....	531-2
—to be property of city.	
Acts, Sec. §841i.....	534
—report, annual.	
Acts, Sec. §841b.....	531-2
—Secretary, compensation, duties.	
Acts, Sec. §841b.....	531-2
—sewerage in annex.	
Acts, Sec. §841h.....	534
—sidewalk improvements at expense of abutting owners.	
Acts, Sec. §841f.....	533
—straightening, etc., streets.	
Acts, Sec. §841c.....	532
—term of office of Commissioners.	
Acts, Sec. §841b.....	531-2

	Page
STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).	
Annex Improvement Loan and Commission.—(Cont'd).	
—vacancies on Commission.	
Acts, Sec. §841b.....	531-2
—voters to approve loan and Commission.	
Acts, Sec. §841a.....	530
—vouchers for costs of work.	
Acts, Sec. §841g.....	534
—widening, etc., streets.	
Acts, Sec. §841c.....	532
—work by Commissioners for Opening Streets, proviso, when to be done.	
Acts, Sec. §841j.....	535
annex—streets in—highways, public, streets to become.	
Acts, Sec. §841e.....	533
—ownership not affected by plans and maps of Topographical Survey Commission.	
Ords., Art. 39, Sec. 7.....	1174
—status, after annexation.	
Acts, Sec. 841.....	530
—Topographical Survey—maps and plans of.	
Ords., Art. 39, Secs. 5-7,	1173, 1174
—validly constituted streets of city.	
Acts, Sec. 3.....	42
ashes and sand, deposit of, prohibited, penalty, proviso.	
Ords., Art. 25, Secs. 37-38.....	970-71
bricks, lumber, etc., in streets; signals on—penalty.	
Ords., Arts. 35, Sec. 112.....	1135
bridges and highways.	
note.....	529
—county bridges in annex to be completed by city.	
Acts, Sec. 839.....	528-529
—long bridge, city to maintain.	
Acts, Sec. 839.....	528-529
builders materials and enclosures in, police regulations.	
Ords., Art. 25, Sec. 74.....	982
Burnt District Commission, powers relating to.	
App. A, Sec. 2.....	1236

	Page
STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).	
Annex Improvement Loan and Commission.—(Cont'd).	
cars of steam railroads, regulations for cars standing in streets.	
Ords., Art. 30, Secs. 1-10 inc	1015-1018
cattle or cows in, sales prohibited, penalty.	
Ords., Art. 23, Sec. 38....	930
cleaning and lighting.	
Acts, Sec. 6.....	80
—private streets, docks, wharves, etc.	
Acts, Sec. 833.....	525
coasting prohibited, penalty.	
Ords., Art. 25, Secs. 89-90.....	988
conduits for wires in.	
Acts, Sec. 6.....	81
dead animals, removal of.	
Ords., Art. 36, Sec. 11.....	1144
dedicated streets.	
Ords., Art. 35, Sec. 19.....	1097
digging up streets, protection of pedestrians and vehicles, penalty.	
Ords., Art. 35, Sec. 112.....	1134
.....	1135
dirt, lumber, etc., in, penalty, removal at expense of offender.	
Ords., Art. 25, Sec. 73....	981
driving cattle, hogs and sheep, through police regulations.	
Ords., Art. 25, Secs. 11-31	964-969
—on Sabbath unlawful, penalty, proviso.	
Ords., Art. 31, Sec. 1.....	1040
embankments, mounds or other public work, penalty for injury to.	
Ords., Art. 35, Sec. 117.....	1138
excavations in streets, safety requirements, penalty.	
Ords., Art. 35, Sec. 112.....	1134
.....	1135

STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).

finest and penalties, recovery and collection of.
Ords., Art. 35, Sec. 118.....1138

fish, cleaning in, or near fountains or pumps, prohibited, penalty.
Ords., Art. 25, Sec. 39.... 971

garbage boxes at corners.
Ords., Art. 36, Sec. 10....1144

general powers.
Acts, Sec. 6, page 72 *et seq.*

gifts of property for.
Acts, Sec. 193..... 202

grade lines of.
Acts, Sec. 6..... 74
—City Surveyor to fix establishment or change of.
Ords., Art. 35, Secs. 41-42.....1105

Grades of Streets,

- alley and street grades, establishment of.
Acts, Sec. §833a..... 525
- alteration of grades on certificate of Commissioner of Health.
Acts, Sec. 834..... 526
- appeal from assessment.
Acts, Sec. 834..... 526
- assessment of damages.
Acts, Sec. 834..... 526
- Commissioner of Health, certificate to, necessity for change.
Acts Sec. 834..... 526
- City Engineer—to notify abutting owners.
Acts, Sec. 834..... 526
- to notify City Surveyor of changes.
Acts, Sec. §833a..... 525
- City Surveyor, compensation for establishing grades.
Acts, Sec. §833b..... 526
- to establish grades and prepare profiles.
Acts, Sec. §833a..... 525

STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).

Grades of Streets.—(Cont'd).

- damages, assessment of.
Acts, Sec. 834..... 526
- dissent of owners.
Acts, Sec. 834..... 526
- paving plats, City Surveyor to prepare.
Acts, Sec. §833a..... 525
- valuation of damages.
Acts, Sec. 834..... 526
- gutters, police regulations, penalty.
Ords., Art. 25, Secs. 50 51..... 974
- horseshoeing in, fires in, police regulations.
Ords., Art. 25, Sec. 75.. 983
- ice and snow, removal from.
Ords., Art. 36, Sec. 15..1145
- Jones' Falls, exemption from, provisions for streets.
Acts, Sec. 600..... 359
- landmarks of, penalty for defacing.
Ords., Art. 25, Sec. 56.. 976
- location and delineation of by topographical survey.
Ords., Art. 39, Sec. 1....1171
.....1172
- manure and dirt from, penalty for removing without authority.
Ords., Art. 36, Sec. 13....1145
- maps, plats, surveys, for location of streets, rules for.
Acts, Sec. 840.....529-530
- minor privileges prohibited.
Acts, Sec. 8..... 95
- names of streets and public places.
Acts, sec. 6.....79
- Mayor and City Council of Baltimore to approve.
Ords., Art. 35, Sec. 103 1131
- on corner lamps.
Ords., Art. 20, Secs. 17 18.....899
- revision and change of.
Ords., Art. 35, Sec. 1021131

STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).

	Page
North avenue, assessment of property in county, fronting thereon.	
Acts, Sec. 838.....	527-528
—benefits in improvement of, county property liable.	
Acts, Sec. 838.....	527-528
—to be a public street.	
Acts, Sec. 838.....	527-528
nuisances in, police regulations.	
Ords., Art. 25, Sec. 36,	970
—streets in state of.	
(See "Nuisances.")	
obstruction of—by articles of trade or business, penalty, proviso.	
Ords., Art. 25, Sec. 67,	979
—inspection of goods on, penalty.	
Ords., Art. 17, Sec. 3,	876
obstructions and encroachments in.	
Acts, Sec. 6.....	78
—removal of.	
Acts, Sec. 189.....	201
offensive fluids in, prohibited, penalty.	
Ords., Art. 25, Secs. 52	
53.....	975

Opening, Closing, etc. Streets,

—annex, opening streets in.	
Acts, Sec. 840.....	529
—application of owners binds property.	
Acts, Sec. 830.....	524
—of joint owners.	
Acts, Sec. 831.....	524
—closing streets.	
Acts, Sec. 828.....	522
—Commissioners for, maps in offices of.	
Acts, Sec. 828.....	523
—condemnation of property.	
Acts, Sec. 827.....	521
—damages, payment of, into court.	
Acts, Sec. 827.....	521
—decree for payment of damages into court.	
Acts, Sec. 827.....	521
—endorsement of maps by commission.	
Acts, Sec. 828.....	523

STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).

Opening, Closing, etc., Streets.—(Cont'd).

—highways, streets to be public.	
Acts, Sec. 832.....	525
—infancy, insanity, absence, of persons entitled to damages.	
Acts, Sec. 827.....	521
—interested parties, quieting claims of.	
Acts, Sec. 827.....	521-522
—joint tenants, interests of.	
Acts, Sec. 831.....	524
—maps of improvements to be filed.	
Acts, Sec. 828.....	523
—non-resident owners, damages to.	
Acts, Sec. 827.....	521
—notice by Commissioners of objects of ordinance.	
Acts, Sec. 829.....	523
—of application of joint owners.	
Acts, Sec. 831.....	524
—by publication of proposed ordinance.	
Acts, Sec. 828.....	522
—opening according to division among joint owners.	
Acts, Sec. 831.....	524
—ordinance for, notice of.	
Acts, Sec. 828.....	522
—owner, whom to be regarded as.	
Acts, Sec. 830.....	524
—payment of damages into court.	
Acts, Sec. 827.....	531
—publication of notice of objects of ordinance.	
Acts, Sec. 829.....	523
—public highways, streets opened, to be.	
Acts, Sec. 832.....	524-525
—rejection of damages by those entitled.	
Acts, Sec. 827.....	521
—release of city from claims in.	
Acts, Sec. 827.....	521
—removal of maps.	
Acts, Sec. 828.....	523
—straightening, widening, etc., notice in.	
Acts, Sec. 828.....	522

STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).

Opening, Closing, etc., Streets. —(Cont'd).

- tenants in common, interests of.
Acts, Sec. 831.....524
- openings in streets, safety requirements, penalty.
Ords., Art. 35, Sec. 112,
1134-1135
- signals on obstructions required, penalty.
Ords., Art. 35, Sec. 112.....1134-1135

Paving Commission and Loan,

- acquisition of property.
Acts, Sec. §841m..... 539
- advisers, employ expert.
Acts, Sec. §841l..... 538
- annual appropriation by Board of Estimates.
Acts, Sec. §841p..... 542
- levy to pay interest.
Acts, Sec. §841p..... 542
- report to Mayor.
Acts, Sec. §841k..... 536
- appeals in assessments.
Acts, Sec. §841q..... 543
- in condemnation.
Acts, Sec. §841m..... 539
- application of assessments.
Acts, Sec. §841q..... 544
- appointment, confirmation by Councils.
Acts, Sec. §841k..... 535
- approval of voters to issue of stock.
Acts, Sec. §841p..... 542
- assessment of costs.
Acts, Sec. §841q..... 543
- bi-partizan membership of Commission.
Acts, Sec. §841k..... 535
- Board of Estimates, annual appropriation by.
Acts, Sec. §841p..... 542
- bonds of experts.
Acts, Sec. §841l..... 538
- buildings, etc., to be adapted to general plan.
Acts, Sec. §841n..... 539
- chairman, compensation.
Acts, Sec. §841k..... 536
- Chief Engineer, City Engineer to be.
Acts, Sec. §841l..... 538

STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).

Paving Commission and Loan. —(Cont'd).

- City Engineer, duties of, to remain as at present.
Acts, Sec. §841s..... 545
- City Librarian, custodian of records of.
Acts, Sec. §841s..... 545
- closing work of Commission.
Acts, Sec. §841s..... 545
- collection of assessments.
Acts, Sec. §841q..... 543
- Commissioners of Finance to sell stock.
Acts, Sec. §841p..... 542
- completed work turned over to city.
Acts, Sec. §841s..... 545
- composition of Commission.
Acts, Sec. §841k..... 535
- condemnation of property.
Acts, Sec. §841m..... 539
- contracts, manner of awarding.
Acts, Sec. §841o..... 540
- power to make.
Acts, Sec. §841l..... 538
- specifications.
Acts, Sec. §841o..... 540
- cross streets, cost of.
Acts, Sec. §841q..... 543
- day labor.
Acts, Sec. §841o..... 541
- disbursement of funds.
Acts, Sec. §841p..... 542
- duties and powers of City Engineer and Commissioner of Street Cleaning to remain as at present.
Acts, Sec. §841s..... 545
- existing pavements to be utilized or condemned.
Acts, Sec. §841l..... 537
- experts, employment of.
Acts, Sec. §841l..... 538
- fines for obstruction to.
Acts, Sec. §841n..... 540
- franchises taken, condemnation of.
Acts, Sec. §841n..... 540
- grading, graveling, etc., streets.
Acts, Sec. §841l..... 537
- hearings in assessments.
Acts, Sec. §841q.....543

	Page
STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).	
Paving Commission and Loan.—(Cont'd).	
—issue of stock.	
Acts, Sec. §841p	541
—labor of residents preferred.	
Acts, Sec. §841o	540
—levy, annual to pay interest.	
Acts, Sec. §841k	542
—lien of assessment.	
Acts, Sec. §841q	543
—macadamize, etc., streets.	
Acts, Sec. §841l	537
—machinery and tools, acquire use of.	
Acts, Sec. §841l	538
—materials, selection of.	
Acts, Sec. §841l	537
—maximum yearly issue of stock.	
Acts, Sec. §841p	541
—Mayor, ex-officio member of.	
Acts, Sec. §841k	536
—meetings to be public.	
Acts, Sec. §841k	536
—merit system in selecting employes.	
Acts, Sec. §841o	541
—“New Paving Fund.”	
Acts, Sec. §841p	541
—notice of assessments to property owners.	
Acts, Sec. §841q	543
—to owners of obstructions.	
Acts, Sec. §841n	540
—obstructions, removal of.	
Acts, Sec. §841n	539
—ordinances, to pass necessary.	
Acts, Sec. §841q	544
—organization of Commission.	
Acts, Sec. §841k	536
—pave, etc., streets.	
Acts, Sec. §841l	537
—payment of costs.	
Acts, Sec. §841q	543
—penalty for obstructing Commission.	
Acts, Sec. §841n	540
—plan of improvements, to adopt.	
Acts, Sec. §841l	537
—powers enumerated.	
Acts, Sec. §841l	537

	Page
STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).	
Paving Commission and Loan.—(Cont'd).	
—preliminary work and investigation.	
Acts, Sec. §841l	537
—procedure in condemnations.	
Acts, Sec. §841n	539
—public alleys, lanes, streets, etc., to pave.	
Acts, Sec. §841l	537
—qualifications of members.	
Acts, Sec. §841k	536
—railways' proportion of cost, proviso.	
Acts, Sec. §841r	544
—records, delivery to City Librarian on completion of work.	
Acts, Sec. §841s	545
—removal of members.	
Acts, Sec. §841k	536
—repaving, etc., streets.	
Acts, Sec. §841l	537
—repeal of Act 1900 ch. 523.	
Acts, Sec. §841t	545
—report annually.	
Acts, Sec. §841k	536
—resident labor preferred.	
Acts, Sec. §841o	541
—residue from sale of stock.	
Acts, Sec. §841p	541
—resignation of members.	
Acts, Sec. §841k	536
—rules and regulations.	
Acts, Sec. §841l	538
—secretary, compensation, duties.	
Acts, Sec. §841k	536
—sewerage arrangements, proviso.	
Acts, Sec. §841l	537
—sinking fund.	
Acts, Sec. §841p	541
—stock, issue of.	
Acts, Sec. §841p	541
—subsidiary powers.	
Acts, Sec. §841l	537
—tax, annual, to pay levy.	
Acts, Sec. §841p	542
—temporary officers.	
Acts, Sec. §841p	542
—term of office.	
Acts, Sec. §841k	535
—tracks, railway, paving between.	
Acts, Sec. §841r	544

	Page
STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).	
Paving Commission and Loan.	
—(Cont'd).	
—vacancies, how filled.	
Acts, Sec. §841k.....	536
—voters to approve issue of stock.	
Acts, Sec. §841p	542
—vouchers, signature of.	
Acts, Sec. §841p	542
plan of streets for annex, ordinance adopting.	
Acts, Sec. 840.....	529
poles and wires in.	
Acts, Sec. 6.....	79
preservation of as a highway.	
Acts, Sec. 6.....	78
private streets—assessment of costs of repairing, etc.	
Acts, Sec. 833.....	525
—collection of cost of cleaning, etc.	
Acts, Sec. 833.....	525
prohibited structures in; on sidewalks.	
Acts, Sec. 8.....	95
railways, street; use of by, regulated.	
Acts, Sec. 6.....	67
restoration of surface of after digging up.	
Ords., Art. 36, Sec. 8.....	1143
safety regulations when opening street surface, penalty.	
Ords., Art. 35, Sec. 112.	
.....	1134-1135
salt, use of in melting snow.	
Ords., Art. 25, Sec. 77....	984
signs, poles, wires, etc., in.	
Acts, Sec. 6.....	79
snow, removal of from sidewalks, police regulations.	
Ords., Art. 25, Sec. 76,	
.....	983 4
sprinkling and sweeping, police regulations.	
Ords., Art. 25, Sec. 55....	975
surface of streets, opening of.	
Acts, Sec. 6.....	79

	Page
STREETS, BRIDGES AND HIGHWAYS.—(Cont'd).	
Topographical Survey Commission, approve plans for streets in annex.	
Acts, Sec. 840.....	529
turnpike companies may cede roads within city limits.	
Acts, Sec. 825.....	526-27
use of, by tracks, poles and wires.	
Acts, Sec. 6.....	80
—regulated.	
Acts, Sec. 6.....	78
vehicles in.	
<i>See "Vehicles,"</i>	
washing of, Water Board may prohibit, penalty.	
Ords., Art. 41, Sec. 71....	1222
water, use and wasting of, police regulations, protection of new paving.	
Ords., Art. 25, Secs. 115-16.....	966-7
York road, cobblestone and macadam paving prohibited on.	
Acts, Sec. §838a.....	528
STREETS, COMMISSIONERS FOR OPENING,	
<i>See "Commissioners for Opening Streets."</i>	
Review and Assessment, Department of.	
Acts, Sec. 145	170
STREETS IN ANNEX,	
<i>See "Annex;" "Streets and City Engineer" and "Streets, Bridges and Highways" and other headings relating to streets.</i>	
STREET SWEEPING,	
<i>See "Garbage and Street Dirt" and "Street Cleaning."</i>	

	Page
STREET VENDERS,	
fruits, cakes, nuts, etc., sale of on footways, penalty. Ords., Art. 41, Sec. 46.....	1214
licenses for. (See " <i>Street Venders' Licenses</i> " under " <i>Licenses.</i> ")	
—poor persons selling fruit. Ords., Art. 41, Sec. 46.....	1214
STRIKING OUT DECREES,	
note.....	274
STRUCTURES PROHIBITED,	
certain structures in streets, alleys, etc., prohibited. Acts, Sec. 8.....	95
on footways, limits of in Burnt District. Ords., Art. 35, Sec. 15.....	1095
SUBORDINATES,	
assistants, clerks and depu- ties— (See " <i>Subordinates.</i> ")	
appointment and removal of. Acts, Sec. 28.....	107
Commissioners for Opening Streets, in office of. Acts, Sec. 172.....	190
Fire Department, appointment and compensation. Acts, Sec. 69	137
Health, Commissioner of, appointment and compensa- tion of. Acts, Sec. 71.....	138-139
Water Board, appointment and compensation. Acts, Sec. 88.....	148
SUBPOENAS,	
renewal of by clerk of Criminal Court. Acts, Sec. 337.....	278
sheriff's allowance for serv- ing. Acts, Sec. 336.....	277
when returnable. Acts, Sec. 335.....	277

SUBSTITUTE,	
firemen— injury on duty. Ords., Art. 11, Sec. 13..	740
matrons— (See " <i>Police Commissioners.</i> ")	
SUBWAYS AND CONDUITS,	
See " <i>Electrical Commission and Subways.</i> "	
Ords., Art. 9, Secs. 1- 25.....	718-727
construction of— inspection by City Engineer. Ords., Art. 35, Sec. 10.....	1093
telegraph and telephone wires. Acts, Sec. 6.....	81
SUCCESSION IN CITY OFFICES,	
accounting for property. Ords., Art. 21, Sec. 3.....	905
	906
SUGAR BROKER,	
license for. Acts, Sec. 694.....	424
SUITS,	
See " <i>City Solicitor.</i> "	
actions and proceedings— authority of City Solicitor in relation thereto. Acts, Sec. 66.....	136
—Code not to affect pending suits. Sec. 1	1229
—docket and duplicate plead- ings to be kept by clerk to City Solicitor. Acts, Sec. 65.....	136
by city— (See " <i>City Solicitor</i> " and " <i>Water.</i> ")	
in Circuit Courts— copies of bill and pleadings in suit to be filed on de- fendant and other parties thereto, exceptions. Acts, Sec. 327A.....	275
power to sue and be sued. Acts, Sec. 1.....	41

	Page
SUMMONS,	
appeals from assessments of taxes.	
Acts, Sec. 170.....	185
assessments, increase in.	
Acts, Sec. 150.....	172
debt and damages, how to be issued, by Justices of the Peace.	
Acts, Sec. 626.....	377
improper summons, penalty.	
Acts, Sec. 626	376

SUNDAY,

See "Vehicles."

SUNKEN VESSELS,

removal of, when in harbor.
Ords., Art. 13, Sec. 19.. 780

SUPERANNUATED POLICE-MEN,

See "Special Police Fund."

SUPERINTENDENT OF,

Lamps and Lighting,

See "Lamps and Lighting."

appointment, duties.	
Acts, Sec. 204.....	208
—assistants to.	
Acts, Sec. 204.....	208
—clerks and employes, appointment.	
Acts, Sec. 204.....	208
—lamps in front of engine houses to be lighted every night.	
Ords., Art. 11, Sec. 43..	751
—salary.	
Acts, Sec. 204.....	208
—subordinates appointment.	
Acts, Sec. 204	208

matrons—

(See "Police Commissioners" and "Special Police Fund.")

morgue—

(See "Health" sub-title "Morgue.")

Ords., Art. 14, Sec. 82.... 821

SUPERINTENDENT OF.

—(Cont'd).

plumbing—	
to be done by Inspector of Plumbing.	
Ords., Art. 14, Sec. 132..	837
Public Buildings—	
<i>(See "Public Buildings.")</i>	
Ords., Art. 28, Secs. 1-6	1004-1006
—appointment, assistants, clerks.	
Acts, Sec. 207.....	209
—City Hall, to be under charge of.	
Acts, Sec. 207.....	209
—duties, salary.	
Acts, Sec. 207.....	209
public instruction. Ad-	
visory duties of. (<i>See</i>	
<i>"Schools."</i>)	
Acts, Sec. 101.....	155
—appointment and qualifica-	
tions of.	
Acts, Sec. 100.....	153
—Assistant Superintendents	
Public Instruction — ap-	
pointment and qualifica-	
tions of.	
Acts, Sec. 100	153
—Board of Superintendents	
of Public Instruction—	
meetings of.	
Acts, Sec. 101.....	153
—candidates for teaching to	
be examined and graded	
lists prepared.	
Acts, Sec. 101.....	155
—diplomas to graduates of	
City College, signature of.	
Ords., Art. 32, Sec. 11....	1047
—duties of Superintendent	
and Assistant Superin-	
tendent.	
Acts, Sec. 101.....	154, 155
—nominations of teachers.	
Acts, Sec. 101.....	155
—public buildings, charge of.	
Acts, Sec. 207.....	209
—schools to be visited.	
Acts, Sec. 154.....	154
—school visitors to be in-	
structed.	
Acts, Sec. 102.....	156
—standing committees to be	
appointed by.	
Acts, Sec. 101.....	154

	Page
SUPERIOR COURT,	
<i>See "Courts—Law Courts of Baltimore City."</i>	
Acts, Secs. 300-322, 357-362, 364-§364a-§364b-366, 370, 372, 373, 374, 379, 380, 382, 387, 388, 389.	
Pages §261-273, 282-284, 285, 286, 287, 288, 290, 292, 293, 294.	
powers of.	
foot-note	262
SUPERSEDEAS OF JUDGMENTS,	
clerks of respective courts only, to take.	
Acts, Sec. 647.....	386
SUPERVISORS OF CITY CHARITIES,	
<i>See "Charities, Supervisors of City."</i>	
examine patients at Bay View Asylum monthly.	
Ords., Art. 16, Sec. 6.....	870
hospitals having contracts with city, inspection by.	
Ords., Art. 16, Sec. 12....	873
immigrants, commutation money.	
Acts, Sec. 528.....	335
—disbursements of fines imposed.	
Acts, Sec. 529.....	336
infants, homes for care of.	
Acts, Sec. §493j.....	324
insane paupers, care of by city, permit on certificate of physicians.	
Ords., Art. 16, Sec. 7.....	871
opinion of in treatment of city's insane at hospitals, report to.	
Ords., Art. 16, Sec. 10....	872
President Board of Charities and Corrections.	
Acts, Sec. 103.....	156

	Page
SUPERVISORS OF ELECTIONS,	
<i>See "Primary Elections."</i>	
additional compensation for conduct of primary elections.	
App. C, Sec. 3.....	1276
clerical assistance for.	
App. C, Sec. 3.....	1276, 1277
expenses of primary elections; payment of.	
App. C, Sec. 3.....	1277
supervision of supplementary registration.	
Acts, Sec. 17.....	100
wards. (<i>See "Legislative Districts," sub-title "Wards."</i>)	
SUPPLIES,	
contracts for.	
Acts, Sec. 15.....	99
Quarantine Hospital supplies.	
Ords., Art. 14, Sec. 175..	856
schools, stationery and supplies for—contracts for.	
Acts, Sec. 99.....	152, 153
stationery for city departments. (<i>See "Librarian."</i>)	
work and supplies for city—memorandum orders required for.	
Ords., Art. 6, Sec. 33.....	710
and note.....	708, 709
SUPREME BENCH OF BALTIMORE CITY,	
additional judges of.	
Acts, Sec. 326.....	274, 275
and note.....	275
appointment of court stenographers.	
Acts, Sec. 380.....	290
—apportionment of business of city courts.	
Acts, Sec. 325.....	274
probation officers—appointment of.	
Acts, Sec. 886A.....	561
" " 886B.....	562

	Page
SURETIES,	
<i>See "Bonds."</i>	
for city.	
indemnification of.	
Ords., Art. 1, Sec. 1.....	572
on bonds.	
(<i>See "Clerks of Courts."</i>)	

SURFACE OF STREETS,

See "Streets and City Engineer" and "Streets, Bridges and Highways."

excavations to be filled in compactly, penalty.	
Ords., Art. 35, Sec. 113,	
.....	1135-1136
protection of from injury by building materials, etc., penalty.	
Ords., Art. 35, Sec. 116,	
.....	1137-1138
replacement and restoration of by City Engineer.	
Ords., Art. 35, Sec. 115,	
.....	1136-1137
safety regulations for excavations or obstructions in.	
Ords., Art. 35, Sec. 112,	
.....	1134-1135

SURRENDER OF PRINCIPAL,

See "Criminal Court."

SURVEYOR,

bond of, conditions of.	
Ords., Art. 37, Sec. 1..	1148
Commissioners for Opening Streets to notify of surveying required.	
Ords., Art. 37, Sec. 3,	1149
compensation of.	
Acts, Sec. 205.....	209
Ords., Art. 37, Sec. 5,	
.....	1149-1150
duties and compensation of.	
Acts, Sec. 6.....	83
Acts, Sec. 205.....	209

SURVEYOR.—(Cont'd).

—in respect of ordinances involving surveying.	
Ords., Art. 37, Sec. 4,	1149
—performance of under directions of City Engineer.	
Ords., Art. 37, Sec. 2,	1148
election of.	
Acts, Sec. 205.....	208
inspection of records of, fee for.	
Ords., Art. 37, Sec. 7..	1151
office and records, preservation of plats, etc.,	
Ords., Art. 37, Sec. 6....	
.....	1150-1151
plat of city to be legal evidence.	
Acts, Sec. 842.....	547
report semi-annually to Mayor.	
Ords., Art. 37, Sec. 6..	1151
term of office.	
Acts, Sec. 205.....	208

SURVEYS,

for sewers—	
City Engineer to make.	
Ords., Art. 33, Sec. 21,	1073
of city and environs.	
(<i>See "Topographical Survey."</i>)	

SUSPECTED NUISANCES,

examination for, refusal to allow, penalty.	
Ords., Art. 14, Sec. 93....	826

SWEAT SHOPS,

decision relating to cited.	
Note.....	253
fire escapes to be provided, penalty.	
Acts, Sec. 280.....	252-253
lighting of regulated, penalty.	
Acts, Sec. 280.....	252

SWIMMING IN HARBOR,

penalty for indecent exposure.	
Ords., Art. 13, Sec. 25....	782

	Page
SWINE, ETC., AT LARGE,	
killing and seizure by anyone lawful, penalty for owner.	
Ords., Art. 25, Sec. 9....	963
SWINGING SIGNS,	
<i>See "Board of Estimates" "Buildings" and "Burnt District."</i>	
forbidden in markets.	
Ords., Art. 23, Sec. 55..	935
SWITCHES AND TURN-OUTS,	
cars on, not to obstruct streets.	
Ords., Art. 30, Sec. 5....	1017
repair by City Engineer.	
Ords., Art. 35, Sec. 9....	1093
SYSTEM OF ACCOUNTS,	
<i>See "City Register" and "Comptroller."</i>	
adoption of by disbursing officials of city.	
Ords., Art. 6, Sec. 29....	709
TABLES FOR GAMING,	
penalty for keeping.	
Ords., Art. 12, Sec. 3.....	768
TAGS,	
license tags for dogs.	
Ords., Art. 41, Sec. 21,	
.....	1202-1203
TAKING PROPERTY,	
<i>See various heads relating to condemnation of property for public purposes.</i>	
condemnation of property, part only of lot taken, compensation for.	
Ords., Art. 33, Sec. 7.....	1063
TAMPERING WITH SUBWAY SYSTEM,	
<i>See "Electrical Commission and Subways."</i>	
Ords., Art. 9, Secs. 17-18.....	724

TANKS FOR GASOLINE,	Page
<i>See "Fire Regulations."</i>	
automobile storage stations, tanks in.	
Ords., Art. 11, Sec. 75....	761
tanks for stoves, requirements for.	
Ords., Art. 11, Sec. 77....	763
TAPPING SEWERS,	
<i>See "Sewers."</i>	
permit, penalty for unauthorized tapping.	
Ords., Art. 33, Sec. 23....	1073
TAXES,	
<i>See "Appeal Tax Court;" "Assessment of Personal Property;" "Assessments;" "City Collector;" "City Register;" "Comptroller;" "Paving Tax;" "Personal Property;" "State Taxes" and "Collector of State Taxes."</i>	
Ords., Art. 35, Secs. 22-25	1098-1099
abatements to encourage manufactures.	
Acts, Sec. 6.....	85
accounts of taxes and money chargeable against City Collector.	
Ords., Art. 38, Sec. 25....	1165
annual levy of direct tax.	
Acts, Sec. 6.....	83
—when to be made.	
Acts, Sec. 40.....	120
annex, taxation in, county rate to apply until 1900.	
Acts, Sec. 4	43
—increase of tax rate, when.	
Acts, Sec. 4.....	43
—rate of.	
Acts, Sec. 4.....	43
appeals, assessments, corrections.	
Acts, Sec. 147.....	171
—from tax for grading, etc.	
Acts, Sec. 6	77-78

	Page
TAXES.—(Cont'd).	
assessments — and abate- ments.	
Ords., Art. 38, Secs. 4-14	
.....1156-1161	
(See " <i>Appeal Tax Court</i> ,")	
—procedure before increas- ing.	
Acts, Sec. 150.....	172
assessors.	
(See " <i>Appeal Tax Court</i> .")	
—compensation of.	
Acts, Sec. 149.....	172
—to discover and assess prop- erty.	
Acts, Sec. 148.....	171
barred by limitations after four years, penalty for attempt to collect after four years.	
Acts, Sec. 843.....	547
basis for taxation—	
report by Board of Estimates to City Council.	
Acts, Sec. 40.....	120
—statement of Appeal Tax Court showing taxable basis to be prepared an- nually.	
Acts, Sec. 171.....	188-189
bills for.	
City Collector to prepare. (See " <i>City Collector</i> .")	
Acts, Sec. 42.....	122
—collection of, by successive collectors.	
Acts, Sec. 51A.....	128
—mailing of, to taxpayers.	
Acts, Sec. 51.....	128
—penalty for delinquency added.	
Acts, Sec. 51.....	128
—service of bills on owners in arrear.	
Acts, Sec. 43.....	123
—surveyor's fees to be added to.	
Acts, Sec. 43.....	123
certificates of City Collector and collector of State Taxes to be <i>prima facie</i> evidence of taxes due.	
Acts, Sec. 58A.....	131-132

	Page
TAXES.—(Cont'd).	
cleaning docks, etc., tax for, private wharves and docks. (See " <i>Health</i> " and " <i>Streets and City Engineer</i> .")	
Ords., Art. 35, Sec. 84.....	1122
Code not to affect such as levied at adoption.	
Sec. 1.....	1229
Collector of State Taxes.	
Acts, Secs. 52-58A.....	129-131
collection of taxes.	
Acts, Sec. 6.....	86
correction and revision of as- sessments.	
Acts, Sec. 148.....	172
damages assessed not to be paid until taxes are paid.	
Ords., Art. 38, Sec. 33.....	1168
decisions relating to.	
Acts, Sec. 6 and note....	84
deposit of monies for, by City Collector.	
Ords., Art. 38, Sec. 26.....	1165
errors in assessments; refund- ing taxes.	
Ords., Art. 38, Sec. 5,	1156-1157
exemption from taxation.	
Acts, Sec. 6.....	84
finances and penalties, recovery and accounting of.	
Ords., Art. 38, Sec. 39.....	1170
general powers of city.	
Acts, Sec. 6.....	83
grading and paving—assess- ments.	
Acts, Sec. 6.....	77
—tax for, collection of. (See " <i>City Collector</i> " and " <i>Streets and City Engi- neer</i> .")	
Ords., Art. 35, Sec. 76.....	1120
—levy for unpaid assessments.	
Acts, Sec. 6.....	77
—notice of levy.	
Ords., Art. 35, Sec. 76	1120
interest on taxes in arrears.	
Acts, Sec. 40.....	121

	Page
TAXES.—(Cont'd).	
Jones' Falls improvements.	
Acts, Sec. 6.....	58, 59
levy for city's share of cost of sewers and to pay interest on sewer loans.	
Acts, Sec. 823.....	506
limitations for—	
collection cannot be enforced by law after lapse of four years.	
Acts, Sec. 843.....	547
—penalty for attempt to col- lect after four years.	
Acts, Sec. 843.....	547
limits of direct taxation.	
Acts, Sec. 6.....	86
manufacturing tools, etc., ex- emption of from.	
Ords., Art. 38, Secs. 7-9	1157-1159
new improvements, assess- ment of.	
Ords., Art. 38, Sec. 10....	1159
notice before levy of grading or paving tax.	
Acts, Sec. 6.....	77
—to owners before increasing assessments of property.	
Acts, Sec. 150.....	172
ordinances authorizing levy of.	
Acts, Sec. 6.....	83
—authorizing abatements.	
Acts, Sec. 6.....	85
permits—for building not to issue until paid.	
Acts, Sec. §280a.....	253
—to erect buildings, penalty.	
Ords., Art. 38, Sec. 17....	1161
.....	1162
Sec. 19.....	1162
police—levy for expenses of department of.	
(See " <i>Police Commis-</i> <i>sioners.</i> ")	
Pratt Free Library, property of, exempt.	
Acts, Sec. 790.....	488
property—bought by city at tax sales.	
Ords., Art. 38, Sec. 37....	1169

	Page
TAXES.—(Cont'd).	
—taxable.	
Acts, Sec. 6.....	83
Acts, Sec. 157.....	178
—taxation of, escaped, missed, new and omitted prop- erty, assessable and tax- able.	
Acts, Sec. 171.....	188
rate and annual levy.	
(See " <i>Board of Estimates.</i> ")	
Acts, Sec. 40.....	120
—annual levy by ordinance.	
Acts, Sec. 40.....	120
—cases cited.	
Acts, Sec. 40.....	121
—damages in opening, etc., streets, provision for.	
Acts, Sec. 175.....	191
refunding taxes paid in error.	
Ords., Art. 38, Sec. 5....	1156
.....	1157
Sales,	
(See " <i>City Collector.</i> ")	
—advertised notice, contents of.	
Acts, Sec. 43.....	123
—application of proceeds of resale.	
Acts, Sec. 48.....	126
—cases cited.	
Acts, Secs. 43-48.....	123-127
—change in office of City Collector pending sales.	
Acts, Secs. §45a, §45b....	124
—chattels—proceeds from sale of, how applied.	
Acts, Sec. 50.....	127
—sale of.	
Acts, Sec. 49.....	127
—Comptroller to bid for city, duties of Comptroller.	
Ords., Art. 6, Sec. 9....	701
—costs, purchaser to pay.	
Acts, Sec. 44.....	123
—disposition of purchase money.	
Acts, Sec. 45.....	124
—leasehold property, sales of.	
Acts, Sec. §47a.....	125
—notice, publication of.	
Acts, Sec. 42.....	122
—of property to pay.	
Ords., Art. 38, Sec. 37....	1169
—of unredeemed property sold for, proceeds of such sale.	
Ords., Art. 6, Sec. 11....	702

TAXES.—(Cont'd).	Page
Sales. —(Cont'd).	
—of property bought by city at tax sales, proceeds of such sales.	
Ords., Art. 6, Sec. 10.....	701
—purchase money, payment of.	
Acts, Sec. 44	123
—ratification by Circuit Court, advertisement of.	
Acts, Sec. 48	126
—by Circuit Court.	
Acts, Sec. 48.....	126
—redemption of property sold by owner.	
Acts, Sec. 47.....	125
—report of, to Circuit Court.	
Acts, Sec. 48	126
—resale of unredeemed property bought by city at tax sales.	
Ords., Art. 6, Secs. 10-11.....	701-702
—procedure in.	
Acts, Sec. 48.....	126
—sales set aside, when.	
Acts, Sec. 48.....	126
—surplus from, disposition of.	
Acts, Sec. 46.....	124
—when purchase money is payable.	
Acts, Sec. 44.....	123-124
school tax.	
Acts, Sec. 6.....	67
schools, children of non-resident tax-payers in.	
Ords., Art. 32, Sec. 34.....	1055
separation of taxes on real and personal property.	
Ords., Art. 38, Sec. 27.....	1166
set-off allowed corporations in payment of.	
note.....	173
Starr M. P. Church of Baltimore City exempt, certain property of.	
note.....	547
stock debt of city not to be taxed.	
Ords., Art. 38, Sec. 12.....	1160
suspended; account of.	
Ords., Art. 38, Sec. 4.....	1156

TAXES.—(Cont'd).	Page
tax bailiffs, percentage of.	
Ords., Art. 38, Sec. 24.....	1165
taxpayers, list of—preparation of.	
Acts, Sec. 171.....	188-189
transfers of property assessed.	
Ords., Art. 38, Sec. 6.....	1157
water used by city, levy for payment of.	
Ords., Art. 41, Sec. 67.....	1221
wharf taxes, imposed; collection of.	
Acts, Sec. 6.....	52
when due and payable.	
Acts, Sec. 40.....	121

TEACHERS,

<i>See</i> "Schools."	
Acts, Sec. 99.....	152
exposed to contagion.	
absence from duty required, penalty.	
Ords., Art. 32, Sec. 38.....	1057
for parental schools.	
employment of.	
Ords., Art. 32, Sec. 25.....	1052
graded list of eligibles for appointment as.	
Acts, Sec. 99.....	152
nominations for.	
Acts, Sec. 101.....	155

TELEGRAPH,

fire alarm—	
superintendent of, duties, qualifications, appointment, bond.	
Ords., Art. 11, Secs. 25, 28	745-6
line to House of Correction; city to maintain.	
Acts, Sec. 782.....	484

TELEGRAPHERS,

fire alarm, appointment, duties, bond.	
Ords., Art. 11, Secs. 26, 29.....	746-7

	Page		Page
TELEGRAPH, TELEPHONE AND ELECTRIC LIGHT POLES,		TENEMENT AND LODGING HOUSES.—(Cont'd).	
<i>See "Permits" and "Poles and Wires."</i>		construction and use.	
injury to, penalty.		Acts, Sec. 507.....	325
Ords., Art. 11, Sec. 31..	747-8	free lodgings.	
permits for planting.		Acts, Sec. 508.....	325
Ords., Art. 35, Secs. 105, 106.....	1132-1133	health of inmates.	
TELEPHONE OPERATORS,		Acts, Sec. 508.....	325
appointment of,		lodging house defined.	
Ords., Art. 11, Sec. 44..	752	Acts, Sec. 508.....	325
TEMPORARY,		provisions for; penalty for violation.	
footways for passengers—		Ords., Art. 14, Secs. 105, 106	829
owners to provide same when repairing sidewalk; penalty.		registration of required.	
Ords., Art. 35, Secs. 37, 38.....	1104	Ords., Art. 14, Sec. 105 .	829
loans—City Council not to authorize.		regulation of construction, use and management.	
Acts, Sec. 36	116	Acts, Sec. 6.....	53
school buildings—erection of.		tenement houses defined.	
Ords., Art. 32, Secs. 4-6	1044-5	Acts, Sec. 508.....	325
TENANTS FOR YEARS OR LESS OR AT WILL,		violation of provisions; pen- alty.	
<i>See "Landlord and Tenant;" "Opening, Closing, etc., Streets" and "Streets, Bridges and Highways."</i>		Ords., Art. 14, Sec. 106	829
Acts, Secs. 844-864....	548-553	TENURE OF OFFICE,	
TENANTS IN COMMON,		members of police force.	
interests of.		Acts, Sec. 745.....	458
Acts, Sec. 831.....	524	municipal officials to hold office until successors ap- pointed.	
TENEMENT AND LODG- ING HOUSES,		Acts, Sec. 27.....	107
<i>See "Buildings" sub-title "Sanitary and Hygienic Regulations" and "Health."</i>		TERM OF,	
authority of city to regulate.		licenses.	
Acts, Sec. 507.....	325	carriage, etc., licenses.	
basement or cellar defined.		Ords., Art. 41, Sec. 77..	1224
Acts, Sec. 508.....	325	office—	
cleanliness of, required.		coroners.	
Ords., Art. 14, Sec. 105..	829	Acts, Sec. 294.....	258
		—decisions relating to.	
		note.....	106
		—Mayor.	
		Acts, Sec. 20.....	101
		—municipal officials.	
		Acts, Sec. 25.....	105
		—Sewerage Commission.	
		Acts, Sec. §824a,.....	507

TERM OF.	1615	TIMBER.	Page
TERM OF,—(Cont'd).		THEATRICAL AND OTHER PUBLIC AMUSEMENTS,	
courts.		licenses and regulations for.	
Acts, Sec. 302.....	261-262	Acts, Sec. 6	86
--of Criminal Court.		exhibitions and plays;	
Acts, Sec. 328.....	275	blasphemous or indecent,	
franchises and grants.		unlawful, penalty.	
(See " <i>Franchises.</i> ")		Ords., Art. 25, Sec. 101..	992
Acts, Sec. 9.....	96	performances—licenses for.	
TEST BOOK,		Ords., Art. 41, Sec. 7	
city officials to sign.		.....1197-1198	
Acts, Sec. 25.....	106	posters—	
TESTING,		consent of property owners	
apparatus for gas meters.		required.	
Superintendent of Lamps		Ords., Art. 25, Sec. 106..	993
and Lighting to purchase.		—defacing or posting over,	
Ords., Art. 20, Sec. 7.....	895	prohibited; penalty; pro-	
gas and oils.		viso.	
methods of testing; Taglia-		Ords., Art. 25, Secs.	
bue's tester, report of tests.		105-6	993
Ords., Art. 20, Sec. 25..	902	THICKNESS OF WALLS,	
proving gas meters.		See " <i>Buildings</i> " sub-title,	
Superintendent of Lamps		" <i>Walls of</i> "	
and Lighting to, on request		THIEVES AND PICKPOCK-	
of consumer, fee.		ETS,	
Ords., Art. 20, Sec. 8....	895	arrest of, at depots and pub-	
TESTS OF GAS,		lic places; duty of police;	
location of apparatus for.		penalty; when to be deemed	
Ords., Art. 20, Sec. 26..	902	common thieves; duty of	
TEXT-BOOKS,		justice in such arrests; pen-	
(See " <i>School Commissioners.</i> ")		alty on conviction.	
Acts, Sec. 99	153	Acts, Sec. 783	484-485
contracts for.		—on premises of railroads	
Acts, Sec. 99	153	and on ferry boats; proof	
on civil government—		and penalty.	
to be used in public schools.		Acts, Sec. 784.....	485-486
Acts, Sec. §816a,	503	bail or commitment of.	
THEATRES,		Acts, Secs. 783, 784....	485,486
performances in—		THIRTY-DAY RULE,	
annual license; cost of.		definition of.	
Ords., Art. 41, Sec. 9....	1198	Acts, Sec. 318.....	271
THEATRE TICKETS,		THROWING STONES IN	
sale on streets unlawful, pen-		STREETS,	
alty.		penalty for.	
Ords., Art. 25, Sec. 93..	989	Ords., Art. 25, Sec. 87..	987
		TIMBER,	
		tax on lumber floated to port.	
		Acts, Sec. 6.....	52

TIME,	Page
<i>See "Standard Time."</i>	
TIN PLATES FOR POLES,	
<i>See, "Licenses."</i>	
provisions relating to; dies for.	
Ords., Art. 41, Sec. 40.....	1211
TITLE,	
<i>See "City Solicitor."</i>	
examinations.	
Ords., Art. 5, Secs. 1-3.....	695, 696
papers — water property; Water Board to keep and record.	
Ords., Art. 40, Sec. 2.....	1173
to city property—Comptroller custodian of papers of.	
Ords., Art. 6, Sec. 4	699
—when acquired by Burnt District Commission.	
App. A, Sec. 24.....	1252
—when acquired for water, etc.,	
Acts, Sec. 6.....	90
to franchises—inalienable by city.	
Acts, Sec. 6.....	94
to land for station houses.	
<i>See ("Police Commissioners.")</i>	
to office—decisions relating to.	
note	106
TOBACCO INSPECTOR,	
wood on State wharves, fees and charges for, disposition of.	
Acts, Sec. 479.....	317
—permission to land.	
Acts, Sec. 478.....	317
TON, STANDARD,	
coal, sale of, penalty for short weight.	
Ords., Art. 17, Sec. 31....	885

TOPOGRAPHICAL SURVEY,	Page
annex—effect of plan and maps on ownership of streets in.	
Ords., Art. 39, Sec. 7.....	1174
—map of streets in.	
Ords., Art. 39, Sec. 6.....	1173
—numbering houses in.	
Ords., Art. 39, Secs. 8-11	1174
—plan of streets in adopted.	
Ords., Art. 39, Sec. 5.....	1173
Board of Commissioners on; members of.	
Ords., Art. 39, Sec. 3.....	1173
Chief Engineer of, appoint- ment of and duties.	
Ords., Art. 39, Sec. 4.....	1173
composition of.	
Acts, Sec. 840.....	529
effect on dedicated streets in annex.	
Ords., Art. 35, Sec. 19.....	1097
geodetic and topographical surveys of city to be made.	
Ords., Art. 39, Sec. 1.....	1171-1172
limits of beyond city limits.	
Ords., Art. 39, Sec. 1.....	1172
maps of city to be prepared.	
Ords., Art. 39, Sec. 1.....	1171, 1172
numbering houses in annex— correction of errors in by Inspector of Buildings.	
Ords., Art. 39, Sec. 11.....	1174
—decimal system to be em- ployed.	
Ords., Art. 39, Sec. 8.....	1174
—numbering in violation of system prohibited.	
Ords., Art. 39, Sec. 9.....	1174
—penalty for violating pro- visions relating to.	
Ords., Art. 39, Sec. 10.....	1174
plats from surveys to be made and bound; data to be given.	
Ords., Art. 39, Sec. 2.....	1172
surveys of city and its envi- rons.	
Ords., Art. 39, Sec. 1.....	1171, 1172

	Page
TOY PISTOLS,	
firing or discharging in city, penalty. Ords., Art. 25, Sec. 85....	987
selling or giving away unlaw- ful, penalty. Ords., Art. 25, Sec. 84....	987
TRACKS AND SWITCHES,	
<i>See "Railroads and Rail- ways."</i> Ords., Art. 30, Secs. 11- 12.....	1019
prohibited on certain streets. (<i>See "Prohibiting Tracks on Certain Streets."</i>)	
railroad— (<i>See "Railroads and Rail- ways."</i>)	
TRAILERS OF STREET CARS,	
guards to be provided on, pen- alty. Ords., Art. 30, Secs. 43- 44.....	1030
TRANSCRIPTS OF BIRTHS AND DEATHS,	
<i>See "Health," sub-title "Births and Deaths."</i>	
Commissioner of Health to issue; charges for. Ords., Art. 14, Sec. 190..	863
TRANSFERS,	
of city stock—fractional cer- tificates; transfer books. Ords., Art. 34, Secs. 2, 4,	1077-8
of property assessed. Ords., Art. 38, Sec. 6.....	1157
on street railways. (<i>See "Railroads and Rail- ways."</i>)	
TRAPEZE PERFORMERS,	
protecting net for, penalty. Ords., Art. 25, Secs. 103, 104.....	992-3

	Page
TRANSPARENCIES,	
carrying in parades, prohibit- ed, proviso, penalty. Ords., Art. 25, Sec. 108..	994
TRANSPORTATION,	
and storage of explosives— permit for, penalty. Ords., Art. 11, Sec. 70....	759
of dead bodies—carriers; du- ties of. Ords., Art. 14, Sec. 187..	861
TRAVELING EXPENSES OF LAW,	
Department. Acts, Sec. 67.....	136
TREASURER OF,	
Police Commissioners. (<i>See "Police Commis- sioners."</i>)	
Special Police Fund. (<i>See "Special Police Fund."</i>)	
TREES,	
note	994
tree boxes—injury or destruc- tion of. Ords., Art. 25, Sec. 107..	994
TRENCHES,	
repair of. Ords. Art. 35, Sec. 111, 1134	
drains, gutters, etc. permits for digging. Ords., Art. 35, Sec. 108	1133
TRESPASSING ON GRASS OR SHRUBBERY,	
Washington Monument, squares around, penalty, police regulations. Ords., Art. 25, Sec. 60....	977
TRUANT CHILDREN,	
school for. Ords., Art. 32, Secs. 23- 27.....	1051-1052
TRANSFERS OF ASSESS- MENTS,	
alienee of property to be assessed. Act., Sec. 166.....	183

TRAVERSER'S ATTORNEY, Page
See "Criminal Court."

TRIAL,
of appeals.
appeals from assessments
for taxes.
Acts, Sec. 170..... 185
of suits.
Acts, Sec. 310..... 265
or judgment.
when suits shall stand for.
Acts, Sec. 310..... 265

TRIALS,
assault and battery, cases of.
Acts, Sec. 231..... 231
before Justices of the Peace.
(*See "Justices of the Peace."*)
decisions in relation to cited.
note 380

**TROLLEY-BRAKES ON
CARS,**
interference with, penalty.
Ords., Art. 30, Sec. 38.... 1028

**TROLLEY-POLES AND
WIRES,**
See "Poles and Wires."

TRUST—
clerk; salary of.
Acts, Sec. 371..... 287
funds—
city may receive.
Acts, Sec. 2..... 42

TRUSTEES,
See "Mortgages."
Enoch Pratt Free Library.
(*See "Pratt Free Library."*)
McDonogh Educational
Fund and Institute.
list of original.
Ords., Art. 22, Sec. 1.... 908
special police fund.
(*See "Special Police Fund."*)

TUBERCULIN TEST,
cows to be submitted to.
Ords., Art. 14, Sec. 52.... 811

TUBERCULOSIS, Page
*See "Communicable Dis-
eases" and "Health."*

investigation of cases of.
Ords., Art. 14, Sec. 32.. 806
registration of sufferers from.
Ords., Art. 14, Sec. 32.... 806
tuberculin test for cows.
Ords., Art. 14, Sec. 52.. 811

TURNOUTS AND SWITCHES,
cars on, not to obstruct
streets.
Ords., Art. 30, Sec. 5.. 1017

TURNPIKE ROADS,
agreements with owners to
purchase or maintain.
Acts, Sec. 6..... 82
city may purchase.
Acts, Sec. 6..... 82

TURNPIKES,
companies may cede such
roads lying within city
limits, status of such roads.
Acts, Sec. 835..... 526-527

ceded to city.
(*See "Streets, Bridges and
Highways, Grades of
Streets."*)
in annex.
—Annexation Acts, effect of
on.
Acts, Sec. 5..... 45
—city may purchase or con-
demn.
Acts, Sec. 5 .. 45

**TURPENTINE DISTILLER-
IES,**
operation of prohibited, pen-
alty.
Ords., Art. 14, Sec. 69.. 818

TUITION IN SCHOOLS,
See "Schools."
Ords., Art. 32, Secs. 32-
34..... 1054-1056

UNCLAIMED FUNDS OR MONIES,

of intestates' estates.
(See "*Schools.*")

UNDERTAKERS,

See "*Health.*"
Ords., Art. 14, Sec. 181
.....858-859

UNEMPLOYED VEHICLES IN STREETS,

See "*Vehicles.*"

UNEXPENDED APPROPRIATIONS TO POLICE BOARD,

See "*Special Police Fund.*"

UNIFORM OF FIREMEN,

penalty for unauthorized use of.
Ords., Art. 11, Sec. 53.. 754

UNION DEPOT,

stand for carriages, etc., at.
Ords., Art. 4, Sec. 40.... 694

UNITED RAILWAYS AND ELECTRIC CO.

contract with, for removal of street dirt and garbage.
Acts, Sec. §841u..545-546-547

easements in annex, city may acquire.
Acts, Sec. §800a,.. 494

fares chargeable by.
Acts, Sec. 796..... 491

franchises in annex, grant of by city to said railway company; when grant may be perpetual.
Acts, Sec. §800a,.. 495

transfers to be issued by, when.
Acts, Sec. 796..... 491

Constituent Companies,

See "*Railroads and Railways.*"

table or tree showing consolidations by which this Company was eventually created.
App. D.....1279-1288

UNITED RAILWAYS AND ELECTRIC CO.—(Cont'd). Constituent Companies.

—Cont'd).

Baltimore and Curtis Bay Railway Company.....1280, 1282, 1286

Baltimore and Hall's Springs Railway Company.....1036,1281

Baltimore and Hampden Passenger Railway Company...1283

Baltimore and Harford Turnpike Company.....1036,1281,1288

Baltimore and Jerusalem Turnpike Company.....1281,1288

Baltimore and Loreley Railroad Company1284

Baltimore and Northern Electric Railway Company,
..... 1036,1279,1281

Baltimore and Powhatan Railway Company1036,1286

Baltimore and Pikesville Railroad Company.....1282

Baltimore and Reisterstown Turnpike Road.....1282

Baltimore and Washington, Turnpike Company.....1286

Baltimore and Yorktown Railway Company.....1036,1284

Baltimore, Calverton and Powhatan Railway Company.....1286

Baltimore, Catonsville and Ellicott Mills Passenger Railway Company,
.....1036,1280,1283,1285

Baltimore City Passenger Railway Company.....1037,1279,
.....1281

Baltimore Consolidated Railway Company.....1037,1280,1282

Baltimore, Gardensville and Belair Electric Railway Company1280,1281,1284

Baltimore, Hampden and Lake Roland Electric Railway Company.....1284

	Page
UNITED RAILWAYS AND ELECTRIC CO.—(Cont'd).	
Constituent Companies.	
—(Cont'd).	
Baltimore, Middle River and Sparrows Point Railroad Company.....	1288
Baltimore, Peabody Heights and Waverly Railroad Company	1037, 1282
Baltimore, Pimlico and Pikesville Railroad Company.....	1037
.....	1287
Baltimore, South Baltimore and Curtis Bay Railroad Company.....	1286
Baltimore Traction Company,	1037, 1280, 1282, 1286, 1287
Baltimore Union Passenger Railway Company.....	1038, 1283
.....	1284
Central Railway Company,	1038, 1280, 1281, 1284
Charles Street Avenue Company	1288
Citizens' Railway Company.....	1038
.....	1283
City and Suburban Railway Company	1038, 1280, 1283, 1284
City Park Railway Company.....	1039
.....	1281
Columbia and Maryland Railway Company.....	1038, 1285
Dundalk, Sparrows Point and North Point Railway Company	1288
Edmondson Avenue, Catonsville and Ellicott City Passenger Railway Company.....	1038
.....	1285
Electric Light and Railway Company.....	1281
Falls Road Electric Railway Company.....	1039, 1282
Franklin and Powhatan Passenger Railway Company.....	1286
Garrison Avenue Railway Company.....	1287

	Page
UNITED RAILWAYS AND ELECTRIC CO.—(Cont'd).	
Constituent Companies.	
—(Cont'd).	
Gwynn's Falls Railway Company of Baltimore City,	1280, 1286, 1287
Gwynn's Falls Railway Company of Baltimore County.....	1287
Highlandtown and Point Breeze Railway Company,	1039, 1283
Hookstown and Pimlico Branch of B. C. and P. R. R. Co.....	1286
Lake Roland Elevated Railway Company.....	1280, 1284
Lake Roland Extension Railway Company	1284
Maryland Traction Company,	1280, 1282, 1285
Monumental City Railway Company.....	1283
Monumental Passenger Railway Company of Baltimore County	1039, 1283
North Avenue Railway Company	1039, 1284
North Baltimore Passenger Railway Company.....	1039, 1282
People's Passenger Railway Company.....	1039, 1283
People's Railway Company.....	1039
.....	1283
Pikesville and Reisterstown Turnpike Company.....	1282
Pikesville, Reisterstown and Emory Grove Railroad Company	1282
Pimlico and Pikesville Railroad Company.....	1280, 1282, 1287
President, Managers and Company of the Baltimore and Yorktown Turnpike Company.....	1288
Randallstown Branch of B. C. and P. R. R. Co.....	1286

	Page
UNITED RAILWAYS AND ELECTRIC CO.—(Cont'd).	
Constituent Companies.	
—(Cont'd).	
Shore Line Electric Railway Company	1280, 1282, 1287
Towson Railway Company	1281
United Railway and Electric Company	1279, 1281
Walbrook and Gwynn's Falls Railway Company of Baltimore City	1286
Walbrook, Gwynn Oak and Powhatan Railroad Company	1280, 1282, 1287
Washington and Maryland Railway Company	1285
UNITED STATES,	
claims of city against ; prosecution of by Mayor ; compensation of attorneys.	
Ords., Art. 1, Sec. 5.....	573
UNITED STATES MAIL,	
footway regulations not to apply to.	
Ords., Art. 35, Sec. 15.....	1095
UNITED WOMEN OF MARYLAND,	
<i>See "Children's Playgrounds"</i>	
UNIVERSITY DEGREES,	
<i>See "Johns Hopkins University."</i>	
UNLICENSED DOGS,	
<i>See "Dogs" and "Licenses."</i>	
provisions relating to destruction of.	
Ords., Art. 41, Sec. 24.....	1204, 1205
UNOCCUPIED,	
or vacant houses—security of, penalty for owner.	
Ords., Art. 11, Sec. 41.....	751
property—assessment of.	
Acts, Sec. 164A.....	181

	Page
UNPAVED STREETS,	
removal of dirt from ; permit required ; penalty.	
Ords., Art. 35, Sec. 104.....	1131
UNSAFE AND CONDEMNED BUILDINGS,	
<i>See "Inspector of Buildings."</i>	
UNSOUND,	
food and food products—condemned foods—removal or secretion of unlawful.	
(<i>See "Health."</i>)	
Ords., Art. 14, Sec. 58....	813
—sale, etc., prohibited.	
Ords., Art. 14, Sec. 57....	813
provisions—clerks of markets to prevent sale of.	
Ords., Art. 23, Sec. 3.....	919
USE OF STREETS,	
decisions in relation to.	
foot-note	78
regulated.	
Acts, Sec. 6.....	78
VACANT,	
lots—manure and nuisances on ; penalty.	
Ords., Art. 14, Sec. 96....	826, 827
stalls—clerks of markets not to refuse to rent same ; proviso.	
Ords., Art. 23, Sec. 21....	926
—disposal of by clerks of the markets.	
Ords., Art. 23, Sec. 20....	925
VACANCIES,	
in office—boiler inspectors ; Governor to fill vacancies.	
Acts, Sec. 588.....	355
—New Sewerage Commission ; how filled in.	
Acts, Sec. §824a.....	508
—Police Commissioners.	
Acts, Sec. 741.....	449, 450
—City Register.	
Acts, Sec. 35.....	112
—procedure in filling.	
Acts, Sec. 25.....	106

	Page
VACANCIES. —(Cont'd).	
—when Mayor shall fill, Acts, Sec. 25.....	106
on Art Commission. (See " <i>Art Commission.</i> ")	
on police force. (See " <i>Police Commissioners</i> ")	

VACCINATIONS,

See " <i>Health.</i> "	
Ords., Art. 14, Secs. 23, 24.....	803, 804
crews and passengers at quar- antine grounds; charges. Ords., Art. 14, Sec. 177..	857
repetition on failure. Ords., Art. 14, Sec. 30....	805
vaccine physicians to make, record and report same. Acts, Sec. 77.....	140

VACCINE PHYSICIANS,

See " <i>Health.</i> "	
Ords., Art. 14, Sec. 9.....	798, 799
appointment, duties, salary. Acts, Sec. 77.....	140
appointment of extra. Ords., Art. 14, Sec. 28....	805
duty where contagious cases are unattended by physician Ords., Art. 32, Sec. 39....	1058
police of his ward to receive treatment from. Ords., Art. 14, Sec. 9.....	798, 799
vaccine certificates. Acts, Sec. 78.....	141

VACCINE VIRUS,

See " <i>Health.</i> "	
Ords., Art. 14, Sec. 30....	805

**VAGRANTS AND DISOR-
DERLY PERSONS,**

able-bodied persons commit- ted to work. Acts, 871.....	556
almshouse, employment in. Acts, Sec. 109.....	160

	Page
VAGRANTS AND DISOR- DERLY PERSONS. —(Cont'd).	
—list of those committed to. Acts, Sec. 114.....	161
appeals may be taken to Crim- inal Court. note.....	554
arrests of— police may make on request or otherwise. Acts, Sec. 867.....	554-555
charges to be heard before Criminal Court or Justice of the Peace. Acts, Sec. 865.....	554
child vagrants. —arrest and commitment of upon examination. Acts, Sec. 883.....	559-560
—definition of term "vagrant children," Acts of va- rancy defined. Acts, Sec. 883.....	559
commitment to Maryland House of Correction, City Almhouse, or other places provided. Acts, Sec. 868.....	555
cost to be paid by person making charges in case of acquittal. Acts, Sec. 880.....	558
definition of the terms—per- sons designated as. Acts, Sec. 866.....	554
dependent and vicious chil- dren.	
police magistrates, jurisdic- tion of. Acts, Sec. 632.....	379-380
fees for issuing and serving warrants and commit- ments. Acts, Sec. 880.....	558
in jail— to work about premises. Acts, Sec. 123.....	164
institutions— commitment to; authorized to make rules and regula- tions. Acts, Sec. 873.....	556

	Page
VAGRANTS AND DISORDERLY PERSONS.—(Cont'd).	
jury trials in Criminal Court. Acts, Sec. 879.....	558
list of, committed by justices. Acts, Sec. 141.....	168
minors, commitment of. Acts, Sec. 874.....	556-557
—those who are. Acts, Sec. 876.....	557
—to be apprenticed according to State laws if judge or justice so decrees. Acts, Sec. 875.....	557
Orphans' Court shall have concurrent jurisdiction with Criminal Court and Justices of the Peace over minors. Acts, Sec. 877.....	557
persons committed must serve term. Acts, Sec. 870.....	556
—included in the terms. Acts, Sec. 866.....	554
place of commitment left to judgment of Justice or Judge of the Criminal Court. Acts, Sec. 869.....	555
police magistrates to try. Acts, Sec. 632.....	379-380
term of commitment specified. Acts, Sec. 872.....	556
trial to be same as for assault and battery or by jury. Acts, Sec. 878.....	557
VALIDITY OF SALES,	
<i>See "Mortgages."</i>	
VALUATION OF,	
personal property. assessment of personal property, how ascertained. Acts, Sec. 159.....	179
property in opening, etc., sewers, proceedings in. Ords., Art. 33, Sec. 6, 1062-63	

	Page
VAULTS,	
and areas. (<i>See "Buildings."</i>)	
—apertures to be protected when open, penalty. Ords., Art. 25, Sec. 113, 996	
—police to inform Mayor and City Engineer of Construction of. Ords., Art. 25, Sec. 114, 996	
for privies—penalty for sinking under sidewalks or streets. Ords., Art. 14, Sec. 153..	844
—prohibited under sidewalks and streets. Ords., Art. 14, Sec. 152..	843
VEGETABLE SUBSTANCES ON SIDEWALKS,	
police regulations, penalty. Ords., Art. 25, Sec. 96....	990
VEGETABLES,	
and agricultural products—Broadway or County wharf, landing at. Acts, Sec. 431.....	302
and fruits. (<i>See "Street Venders Licenses" under "Licenses."</i>)	
VEHICLES,	
<i>See "Hackney Carriages and Coaches;" "Livery Stable Keepers;" "Wagons, Carts and Drays" and "Wood."</i>	
bicycles—riders of to keep on right hand side in passing. Ords., Art. 4, Sec. 1.....	682
Broadway market, position of in, Ords., Art. 23, Sec. 68....	940
carriages unemployed in streets—distances between and position of. Ords., Art. 4, Sec. 13.....	685, 686
carts; position of in streets; two lines of forbidden. Ords., Art. 4, Sec. 12.....	685
coal and hay wagons and carts. (<i>See "Inspections, Weights and Measures."</i>)	

VEHICLES.—(Cont'd).	Page
contests of speed forbidden; penalty.	
Ords., Art. 4, Sec. 7.....	684
delay of street cars by, prohibited, penalty.	
Ords., Art. 30, Sec. 45.....	1030
draymen to place horse and dray lengthwise in streets; to be 25 feet apart.	
Ords., Art. 4, Sec. 11.....	685
drays in streets—position of.	
Ords., Art. 4, Sec. 11.....	685
drivers of, to hold reins or retain control of horses while on stands.	
Ords., Art. 4, Sec. 14.....	686
—or owners of not to occupy streets or seek employment on Sunday; Mayor may grant permits.	
Ords., Art. 4, Sec. 16.....	686
driving regulations—drivers and riders to keep on right hand side in passing; penalty.	
Ords., Art. 4, Sec. 1.....	682
—immoderate gait prohibited.	
Ords., Art. 4, Sec. 3.....	683
—narrow streets; driving in.	
Ords., Art. 4, Sec. 2.....	682
—positions of riders and drivers and manner of holding reins in driving and riding in streets prescribed.	
Ords., Art. 4, Sec. 3.....	683
excessive speed of express wagons or vehicles; penalty.	
Ords., Art. 4, Sec. 8.....	684
Fells Point market, limits for.	
Ords., Art. 23, Sec. 84....	944
finest, penalties and forfeitures recovery and accounting of.	
Ords., Art. 4, Sec. 41.....	693
footways, flagstones, and stepping stones not to be obstructed; penalty.	
Ords., Art. 4, Sec. 22.....	688
for hire—license for private vehicles required when hired.	
Ords., Art. 41, Sec. 82.....	1227

VEHICLES.—(Cont'd).	Page
funeral processions; riding across line of prohibited; penalty.	
Ords., Art. 4, Sec. 26.....	689, 690
furniture wagons; stands for on German street.	
Ords., Art. 4, Sec. 38.....	693
hacks, etc., not to stand in Monument Square; proviso.	
Ords., Art. 4, Sec. 39.....	693
Hanover market, limits for.	
Ords., Art. 23, Sec. 89....	945
hire of, for removing dead bodies.	
Ords., Art. 14, Sec. 26....	804
horse, mare or gelding not to be loose in street, to be guided by reins or led.	
Ords., Art. 4, Sec. 3.....	683
horses, wagons, etc.; streets in which prohibited.	
Ords., Art. 4, Sec. 33.....	691
Lexington market; regulated; penalty.	
Ords., Art. 23, Sec. 97....	948
licenses; provisions relating to.	
Ords., Art. 41, Secs. 74-84.....	1223-1227
market limits—regulation of vehicles within on market days; penalty.	
Ords., Art. 4, Sec. 23.....	688
narrow streets—passing of vehicles in; penalty.	
Ords., Art. 4, Sec. 2.....	682
night stands for vehicles; Sundays excepted; not more than eight feet of street to be occupied.	
Ords., Art. 4, Sec. 15.....	686
obstruction of premises of owners fronting on market limits; penalty; owner may remove obstructing vehicles; penalty for interfering with owners.	
Ords., Art. 4, Sec. 23.....	688, 689

VEHICLES.—(Cont'd).

Monument Square—hack stands designated therein. Ords., Art. 4, Sec. 39.....	693
omnibuses—speed of limited; penalty. Ords., Art. 4, Sec. 6.....	684
penalties for violation of street regulations; U. S. and Maryland Government wagons and horses excepted. Ords., Art. 4, Sec. 17.....	686, 687
police regulations.— cracking whips near stands; penalty. Ords., Art. 4, Sec. 20....	687
—distance between vehicles in driving; penalty. Ords., Art. 4, Sec. 25....	689
—driving on railway tracks; penalty. Ords., Art. 4, Sec. 19....	687
—loading or unloading of wagons, etc; position of. Ords., Art. 4, Sec. 21....	688
—obstruction of other wagons prohibited. Ords., Art. 4, Sec. 21 ..	688
—of street cars; penalty. Ords., Art. 4, Sec. 18..	687
—position of vehicles in streets; penalty. Ords., Art. 4, Sec. 21....	688
—time vehicles and horses may remain in streets when not in use; penalty Ords., Art. 4, Sec. 24....	689
power to license. Acts, Sec. 6.....	47
—to regulate. Acts, Sec. 6.....	47
public— contagious or infectious diseases; persons sick with not to use. Ords., Art. 14, Sec. 25..	804
railroad tracks— —vehicles to keep on right hand side of. Ords., Art. 30, Sec. 8....	1018
riding on unauthorized; penalty. Ords., Art. 4, Sec. 21....	690

VEHICLES.—(Cont'd).

rights on street railway tracks. Ords., Art. 30, Sec. 46	1030-31
rules of Mayor relating to; penalty for violation. Ords., Art. 4, Sec. 29....	690
Sabbath day regulations— not to remain in front of premises on Sunday night. Ords., Art. 4, Sec. 15....	686
—in streets on Sabbath day. Ords., Art. 4, Sec. 16..	686
—owners or drivers not to solicit employment on Sabbath; permits therefor. Ords., Art. 4, Sec. 16....	686
—wagons, carts, drays, etc., not to be driven or stand on streets, nor horses to be fed therein on Sabbath day. Ords., Art. 4, Sec. 16....	686
sales from in streets; footways; agreement with property owners. Ords., Art. 4, Sec. 35....	692
—position of wagon. Ords., Art. 4, Sec. 34....	692
sidewalks, vehicles on— permit of Mayor required, proviso; penalty. Ords., Art. 25, Sec. 99..	991
sleighs and cars to have bells attached; penalty. Ords., Art. 4, Sec. 10....	685
speed of licensed vehicle of burden limited to 6 miles per hour; penalty. Ords., Art. 4, Sec. 4.....	683
—of unlicensed vehicle of burden not to exceed walking gait; penalty. Ords., Art. 4, Sec. 4.....	673
—over bridges; penalty. Ords., Art. 4, Sec. 5.....	684
stands— —for carriages, carts, etc. Ords., Art. 4, Sec. 30-40	690-691
—on Charles street, vicinity Union Station. Ords., Art. 4, Sec. 40....	694

	Page
VEHICLES. —(Cont'd).	
—on German street between Eutaw and Paca streets. Ords., Art. 4, Sec. 38....	693
stands for prohibited on.	
—Baltimore street as designated by Mayor. Ords., Art. 4, Sec. 32....	691
—Broadway as designated by Mayor. Ords., Art. 4, Sec. 32....	691
—Bowly's wharf south of Camden street; penalty. Ords., Art. 4, Sec. 31....	691
—Calvert street between Baltimore and Lexington streets. Ords., Art. 4, Sec. 39....	693
—Camden, Conway, Barre, Lee and Charles streets as designated. Ords., Art. 4, Sec. 32....	691
—Camden street between Charles and Light streets; penalty. Ords., Art. 4, Sec. 37....	693
—Camden street regulations. Ords., Art. 4, Sec. 34....	692
—Charles street between Camden and Lombard streets; penalty. Ords., Art. 4, Sec. 30....	690-691
—Fayette street between St. Paul and North streets. Ords., Art. 4, Sec. 39....	693
—German street between Howard and Eutaw streets. Ords., Art. 4, Sec. 38....	693
—Liberty street north of Fayette street. Ords., Art. 4, Sec. 32....	691
—Light street between Pratt and Lee streets; penalty. Ords., Art. 4, Sec. 31....	691
—Monument Square; penalty. Ords., Art. 4, Sec. 39....	693
—Pratt street between South and Hanover streets. Ords., Art. 4, Sec. 32....	691
—Sharp street not to be used for sales from wagons. Ords., Art. 4, Sec. 35....	692
unauthorized use of; penalty. Ords., Art. 4, Sec. 27....	690

VEHICLES. —(Cont'd).	Page
unemployed carriages for hire; position of in streets. Ords., Art. 4, Sec. 13....	685
vehicles not used to sell from. Ords., Art. 4, Sec. 36....	692-693
wagons, etc., in markets, position of; proviso; penalty. Ords., Art. 23, Sec. 56..	936
—proviso; penalty. Ords., Art. 23, Sec. 57..	936
wheels—breadth of regulated. Acts, Sec. 6.....	47
wood carts—on Camden street prohibited. Ords., Art. 4, Sec. 37....	693
—Conway street stand authorized. Ords., Art. 4, Sec. 37....	693

VENDORS IN STREETS,

agreement with property owners. Ords., Art. 4, Sec. 34.....	692
wagons of; how to be placed. Ords., Art. 4 Sec. 34.....	692

VENTILATION AND DRAINAGE,

See "Sanitary Inspectors."

VESSELS,

<i>See "Harbor, Docks and Wharves," "Health" subtitle "Contagious and Infectious Diseases" and "Quarantine Hospital."</i>	
and crews— arriving from sea to be examined by Quarantine Hospital Physician. Ords., Art. 14, Sec. 162,	847-848
at docks— fire on deck at night, penalty. Ords., Art. 11, Sec. 63....	757
at wharves— discharging and receiving of cargoes regulated by Harbor Master. Ords., Art. 13, Sec. 30....	784
—Harbor Master may extend time of. Ords., Art. 13, Sec. 16....	778

	Page
VESSELS. —(Cont'd).	
—not to obstruct other ves-	
sels; penalty.	
Ords., Art. 13, Sec. 32..	785
—rigging of.	
Ords., Art. 13, Sec. 34....	786
contagious diseases.	
masters of to report thereon,	
Ords., Art. 14, Sec. 14 ..	800
—persons sick with not to be	
removed without author-	
ity.	
Ords., Art. 14, Sec. 16..	801
—spread from vessels to be	
prevented,	
Ords., Art. 14, Sec. 16..	801
foreign—	
Harbor Master's fees from.	
(See " <i>Harbor, Docks and</i>	
<i>Wharves.</i> ")	
Acts, Secs. 465, 466.....	313
goods and baggage from dis-	
infected vessels to be re-	
turned.	
Ords., Art. 14, Sec. 176,	
.....	856-857
in harbor—	
speed of regulated.	
Ords., Art. 13, Sec. 29....	784
in Jones' Falls—	
entering and leaving, draw-	
bridge regulations, penalty.	
Ords., Art. 18, Sec. 4..	889-90
quarantine regulations relat-	
ing to.	
Ords., Art. 14, Secs. 159-	
178	846-858
—charges against, collection	
of.	
Ords., Art. 14, Sec. 173,	
.....	855-856
when exempt from quarantine	
regulations.	
Ords., Art. 14, Secs. 167-	
168.....	851-852
VESTED RIGHTS,	
Charter not to affect.	
Acts, Sec. 2	564
Code not to impair.	
Sec. 1.....	1229
VESTIBULES ON CARS,	
when required; penalty.	
Ords., Art. 30, Secs. 41-	
42.....	1029-30

	Page
VETERAN VOLUNTEER FIRE-	
 MEN'S ASSOCIATION,	
appropriation for.	
Acts, Sec. 448	309
VETO BY MAYOR,	
appropriations by ordinances	
and resolutions.	
Acts, Sec. 23.....	102-103
ordinances and resolutions.	
Acts, Sec. 23.....	102-103
VISITORS OF THE JAIL,	
<i>See this sub-title under "Jail."</i>	
Acts, Sec. 118	162
VOID ORDINANCES,	
note, case cited	198
opening, etc., streets, effect	
of.	
Acts, Sec. 180.....	198
refund of assessments under.	
Ords., Art. 35, Sec. 97....	1129
VOIDING SALES,	
<i>See "Mortgages."</i>	
VOLUNTEER MILITIA EXEMPT	
 FROM PETIT JURY DUTY,	
<i>See "Jurors."</i>	
Acts, Sec. 622.....	374
VOTERS,	
affiliation of to be registered.	
App. C, Sec. 1.....	1273
employment on city work—	
Electrical Commission and	
subways.	
Ords., Art. 9, Sec. 4	719
VOTES,	
counting of in primary elec-	
tions.	
App. C, Sec. 1.....	1273
primary elections for Mayor,	
etc.	
App. C, Sec. 2	1275, 1276
VOTING PLACES,	
at primary elections.	
App. C, Sec. 1.....	1271

	Page
WAGES OF EMPLOYES OF CITY,	
when to be paid.	
Ords., Art. 1, Sec. 42	
	584,585

WAGONS, CARTS, DRAYS, ETC.

See "Vehicles" and "Wood."

coal and hay wagons, etc.
(*See "Inspections, Weights and Measures."*)

licenses, provisions relating to.

Ords., Art. 41, Secs. 74-

84..... 1223-1227

—powers of city relating to.

Acts, Sec. 6..... 47

regulation of, powers of city.

Acts, Sec. 6..... 47

wheels of, breadth regulated.

Acts, Sec. 6..... 47

WAITRESSES,

employment in places of public amusement as barmaids prohibited.

Acts, Sec. 900..... 562

penalty for employing same as barmaids in places of public amusement.

Acts, Sec. 901.....562,563

WALBROOK PUBLIC SCHOOL,

sale of liquors within three-fourths of a mile of, forbidden.

Acts, Sec. §666a..... 407

WALLS,

Jones' Falls improvements.

Acts, Sec. 6..... 61

—walls of, owners of property binding on to build and repair.

Ords., Art. 18, Sec. 2..... 889

of buildings.

(*See "Buildings," sub-title "Walls of Buildings."*)

WARDEN OF JAIL,

appointment by visitors of Jail, subordinates.

Acts, Sec. 126..... 165

assistants, duties, appointment, compensation.

Acts, Sec. 130..... 166

bond, visitors to approve.

Acts, Sec. 128..... 165

duties relating to reduction of sentence of prisoners.

Acts, Sec. 139..... 168

—responsibility for escape of prisoners.

Acts, Sec. 127..... 165

entering jail without permit.

Acts, Sec. 136..... 167

fees, to account for.

Acts, Sec. 133..... 166

oath of office.

Acts, Sec. 129..... 165

penalty for introducing liquor in.

Acts, Sec. 136..... 167

prisoners, conducting them.

Acts, Sec. 132..... 166

—to receive them from officers having in charge.

Acts, Sec. 131..... 166

subordinates, tenure of office.

Acts, Sec. 126..... 165

—to appoint and remove.

Acts, Sec. 130..... 166

vagrants—to furnish list of commitments to Judge of Criminal Court.

Acts, Sec. 141.....168-169

WARDS,

See "Legislative Districts," sub-title, "Wards."

WAREHOUSES, CONSTRUCTION, SPECIFICATIONS.

See "Buildings," sub-title "Walls of Buildings."

WARRANTS,

service and execution of.

Acts, Sec. 640..... 384

WASHING PAVEMENTS, Page

Water Board may prohibit,
penalty.
Ords., Art. 41, Sec. 71..1222

**WASHINGTON MONU-
MENT,**

See "Parks and Squares."

injuring or defacing, penalty,
police regulations.
Ords., Art. 25, Sec. 61.. 977

trespassing on grass or shrub-
bery around, penalty.
Ords., Art. 25, Sec. 60.. 977

**WATCHMEN IN PUBLIC
BUILDINGS,**

substitutes for.
Ords., Art. 28, Sec. 4....1006

WATER,

*See "Bills;" "Collector of
Water Rents and Licenses;"
"Pumps;" "Water Board;"
"Water Rents;" and
"Wells."*

acquisition of land and water
courses.
Acts, Sec. 6..... 86

agreement for acquisition of
property and materials.
Acts, Sec. 6..... 87

bills for—
collection of quarterly.
(*See below sub-title "Water
Rents."*)
Ords., Art. 41, Sec. 69..1222

connections for—
Ords., Art. 35, Sec. 109..1133
.....1134

bonds—
issue of, authorized.
Acts, Sec. 6 92

collection of water rents.
Acts, Sec. 6..... 91

condemnation proceedings in
relation to.
Acts, Sec. 6.....88-91

—duty of court.
Acts, Sec. 6..... 90

—inquisition to be in writing.
Acts, Sec. 6..... 89

WATER.—(Cont'd).

—jury of condemnation.
Acts, Sec. 6.....88-91

—compensation of jurors and
sheriff.
Acts, Sec. 6.90-91

—duty of jury.
Acts, Sec. 6..... 89

—oath of jury.
Acts, Sec. 6..... 89

—selection of jury.
Acts, Sec. 6..... 89-90

—property condemned.
Acts, Sec. 6..... 90

decision in relation to.
Acts, Sec. 6, note..... 92

discharging on new paving
unlawful, penalty.
Ords., Art. 25, Sec. 116.. 996
..... 997

excessive discharge of from
hydrants, penalty.
Ords., Art. 40, Sec. 19..1183
.....1184

finest and penalties.
Acts, Sec. 6..... 92

—for injury to, recovery and
collection of.
Acts, Sec. 905..... 564

—recovery and accounting.
Ords., Art. 40, Sec. 43..1190

in ice ponds—
permitted from Nov. 1, to
March 1, only.
Ords., Art. 14, Sec. 117.. 832

injury to system punishable
by fine.
Acts, Sec. 904..... 564

—action for damages may
also lie.
Acts, 906..... 564

introduction of water supply
into city.
Acts, Sec. 6..... 87

misuse or waste of, police to
report.
Ords., Art. 25, Sec. 115 996

ordinances in relation to,
Acts, Sec. 6.....86-87

pollution of—
—by acts of defilement or
use of foreign matter or
substances.
Acts, Sec. 902..... 563

	Page
WATER. —(Cont'd).	
—by factories; penalty. Acts, Sec. 903.....	563
powers in relation to water supply. Acts, Sec. 6	86
prohibited hydrants; penalty. Ords., Art. 40, Sec. 20.....	1184
protection of water system. Acts, Sec. 6.....	91
rates for. (See " <i>Water Rents.</i> ")	
—assessment of. Acts, Sec. 6.....	91
—Water Board to fix or abate; powers of Board relating to. Acts, Sec. 87A.....	147
receptacles for watering cows. Ords., Art. 14, Sec. 49..	810
rights and franchises for— acquisition of rights of water companies by city. Acts, Sec. 6.....	93-94
sale of water. Acts, Sec. 6.....	87
stock—\$5,000,000 loan authorized. Acts, Sec. 6.....	91
stops for. Ords., Art. 40, Secs. 39, 40.....	1187
system in Annex and suburbs— procedure for acquisition of water rights in Annex and suburbs. Acts, Sec. 6	93
unlawful use of; penalties. Ords., Art. 40, Secs. 9, 10	1181
used by city— tax for payment for. Ords., Art. 41, Sec. 67.....	1221
watchman and police for. Acts, Sec. 6	91
Water,	
—bonds. Acts, Sec. 6.....	92

	Page
WATER. —(Cont'd).	
Water. —(Cont'd).	
—closets— prohibited in cow stables. Ords., Art. 14, Sec. 43....	809
—companies— acquisition of their property and rights. Title thereof acquired by city. Acts, Sec. 6.....	93-94
—rates. Acts, Sec. 6.....	91
—stock. Acts, Sec. 6.....	91-92
—system. civil actions for damages to. Acts, Sec. 906	564
—fines and penalties for injury to. Acts, Sec. 905	564
—injuries to; penalty. Acts, Sec. 904.....	564
Water Board,	
—accounts and records of. Ords., Art. 40, Sec. 2.....	1177
—annual report —of Board; of Water Engineer. Ords., Art. 40, Sec. 2.....	1178
—bonds of subordinates of. Ords., Art. 40, Sec. 3.....	1178
—defective pipes to be repaired by. Ords., Art. 40, Sec. 25.....	1185
—digging up streets; powers and duties relating to. Ords., Art. 40, Sec. 23.....	1185
—entry to premises by agents of. Ords., Art. 40, Sec. 12.....	1181
—fire plugs —injury to or unauthorized use of; penalty. Ords., Art. 40, Sec. 17.....	1183
—fountains— construction of. Ords., Art. 40, Sec. 15.....	1182
—erection of. Ords., Art. 40, Sec. 14	1182
—replacement of pumps. Ords., Art. 40, Sec. 14	1182
—hydrants to be approved by. Ords., Art. 40, Sec. 21.....	1184
—officers and employees of to report wrongful use of water. Ords., Art. 40, Sec. 11.....	1181

WATER.—(Cont'd).**Water Board.**—(Cont'd).

- opening and restoring pavements.
 - Ords., Art. 40, Secs. 27-311186-1187
- street surface and laying pipes; powers relating to.
 - Ords., Art. 40, Secs. 23-291184-1187
- pavement; permits to remove—penalty.
 - Ords., Art. 40, Sec. 28.....1187
- penalties—for injury to water system, works and property.
 - Ords., Art. 40, Sec. 1.....1177
 - when owners refuse entry to premises.
 - Ords., Art. 40, Sec. 12.....1181
- pipes, mains, works, etc.,
 - laying and repair of.
 - Ords., Art. 40, Sec. 24.....1185
 - penalty for injuring.
 - Ords., Art. 40, Sec. 22.....1184
 - penalty for unlawful tapping.
 - Ords., Art. 40, Sec. 9.....1181
 - powers of board relating to.
 - Ords., Art. 40, Sec. 23.....1185
 - repair of same; access to; penalty against owners failing to repair.
 - Ords., Art. 40, Sec. 26.....1186
 - unlawful connections or introduction of water; penalty.
 - Ords., Art. 40, Sec. 10.....1181
 - when owner shall repair.
 - Ords., Art. 40, Sec. 26.....1186
- powers relating to water works, laying of mains and pipes and preservation of city water property.
 - Ords., Art. 40, Sec. 1.....1177
- public improvements; department of; board member of.
 - Acts, Sec. 84..... 143
- rates for water; board may fix or abate; powers of board.
 - Acts, Sec. 87A..... 147
- repair of pavement on default of Water Board—duty of City Engineer.
 - Ords., Art. 40, Sec. 27.....1186

WATER.—(Cont'd).**Water Board.**—(Cont'd).

- repaving of streets opened or dug up by.
 - Ords., Art. 40, Sec. 29.....1187
- rules and regulations of; power to make and prescribe penalties for enforcement of.
 - Ords., Art. 40, Sec. 1.....1177
- stops of private water pipes to be marked; penalty.
 - Ords., Art. 40, Sec. 30.....1187
- street surface; to be restored without delay.
 - Ords., Art. 40, Sec. 24.....1185
- subordinates—bonds of.
 - Ords., Art. 40, Sec. 3.....1178
- Water Engineer to appoint; board to approve.
 - Acts, Sec. 87..... 147
- tapping water pipes; penalty.
 - Ords., Art. 40, Sec. 9.....1181
- title papers to water property.
 - Ords., Art. 40, Sec. 2.....1177
- water-stops to be marked on pavements.
 - Ords., Art. 40, Sec. 31.....1187
- supply, to be in charge of Board.
 - Acts, Sec. 87 146

Water Engineer.

- appointment, qualifications, duties and salary.
 - Acts, Sec. 87.....146-147
- of subordinates of Water Board; compensation of.
 - Acts, Sec. 87..... 147
- screws of fire plugs to conform to standard.
 - Ords., Art. 11, Sec. 37.... 749

WATERING SIDEWALKS,

- streets where restricted, hours for, penalty.
 - Ords., Art. 25, Sec. 100.. 992

WATER RENTS,

- abatement of charges in discretion of Board.
 - Ords., Art. 41, Sec. 70.....1222
- when allowed and made.
 - Ords., Art. 40, Sec. 8.....1180

	Page
WATER RENTS.—(Cont'd).	
academies, colleges, etc., charges to.	
Ords., Art. 41, Sec. 60.....	1220
accounts of.	
Ords., Art. 40, Sec. 4.....	1178
annual charges for domestic use.	
Ords., Art. 41, Sec. 54.....	1216-17
assessments of; duties of collector of water rents and licenses.	
Ords., Art. 40, Sec. 4.....	1178
collections quarterly.	
Ords., Art. 41, Sec. 69.....	1222
Bills for,	
—discount rates to be printed on.	
Ords., Art. 40, Sec. 6.....	1179
—in arrears.	
Ords., Art. 41, Sec. 9.....	1180, 1181
—boilers, steam, rates per horse-power.	
Ords., Art. 41, Sec. 56.....	1218
—buildings other than dwellings, charges for.	
Ords., Art. 41, Sec. 68.....	1221
—carriages, charges to owners of.	
Ords., Art. 41, Sec. 55.....	1218
cellar drainers in dwellings, no charge for water used in.	
Ords., Art. 41, Sec. 73.....	1223
Charges and Rates for,	
—when due and payable.	
Ords., Art. 41, Sec. 5.....	1179
—for domestic uses.	
Ords., Art. 41, Sec. 54.....	1216-17
—for use beyond city limits.	
Ords., Art. 41, Sec. 72.....	1222-3
—for uses not specifically provided for.	
Ords., Art. 41, Sec. 68.....	1221
—charitable institutions, rates fixed annually, basis for.	
Ords., Art. 41, Sec. 66.....	1220
—where over two-thirds of inmates are treated free.	
Ords., Art. 41, Sec. 58.....	1219
—where between one-third and two-thirds of inmates treated free.	
Ords., Art. 41, Sec. 59.....	1219

	Page
WATER RENTS.—(Cont'd).	
Charges and Rates for.—(Cont'd).	
—where less than one-third of inmates treated free.	
Ords., Art. 41, Sec. 60.....	1219
—giving no free treatment.	
Ords., Art. 41, Sec. 61.....	1219
—churches and religious corporations.	
Ords., Art. 41, Sec. 65.....	1220
—city departments, tax for payment for water used in.	
Ords., Art. 41, Sec. 67.....	1221
—city limits, water furnished beyond, charges for.	
Ords., Art. 41, Sec. 72.....	1222
.....	1223
—collection of.	
Acts, Sec. 6.....	91
Acts, Sec. 59.....	132
—colleges, schools, etc.	
Ords., Art. 41, Sec. 63.....	1220
—conditions of use for power.	
Ords., Art. 41, Sec. 54.....	1218
—corporations, religious, etc.	
Ords., Art. 41, Sec. 62.....	1220
—definition of "free care."	
Ords., Art. 41, Sec. 65.....	1220
—discounts on bills for.	
Ords., Art. 40, Sec. 5.....	1179
—domestic purposes, charges for.	
Ords., Art. 41, Sec. 54.....	1216
—dwellings, permit for other than domestic, uses in.	
Ords., Art. 41, Sec. 54.....	1218
—elevators, hydraulic, rates for, proviso.	
Ords., Art. 41, Sec. 57.....	1219
—family use of water.	
Ords., Art. 41, Sec. 54.....	1216
—"free care," defined.	
Ords., Art. 41, Sec. 65.....	1220
—funds from collection of, accounting.	
Ords., Art. 40, Sec. 4.....	1178
—horses, charge per head for other than draught horses.	
Ords., Art. 41, Sec. 54.....	1218
—hydraulic elevators, return tank system required.	
Ords., Art. 41, Sec. 57.....	1219

	Page
WATER RENTS.—(Cont'd.)	
Charges and Rates for—(Cont'd)	
—improper use of water, penalty.	
Ords., Art. 41, Sec. 54..	1217
—institutions, charitable, etc., rates to.	
Ords., Art. 41, Secs. 58-61.....	1219
—basis of rates to.	
Ords., Art. 41, Sec. 66..	1220
—measurement of water, meters for.	
Ords., Art. 41, Sec. 64....	1220
—meter rates in lieu of fixed charges.	
Ords., Art. 41, Sec. 68....	1221
—department to furnish meters.	
Ords., Art. 41, Sec. 64..	1220
—miscellaneous uses, charges for.	
Ords., Art. 41, Sec. 68....	1221
—non-automatic cellar drainers, prohibited.	
Ords., Art. 41, Sec. 73..	1223
—power, permit for use for in dwellings.	
Ords., Art. 41, Sec. 54 ..	1217
—private families and domestic uses, rates for.	
Ords., Art. 41, Sec. 54..	1216
.....	1217
—rates in special cases.	
Ords., Art. 41, Sec. 54....	1217
—of discount for.	
Ords., Art. 40, Sec. 5..	1179
—religious corporations, charges to.	
Ords., Art. 41, Sec. 62..	1220
—return tanks for elevators required.	
Ords., Art. 41, Sec. 57....	1219
—scale of charges for private families and domestic uses.	
Ords., Art. 41, Sec. 54..	1216-17
—schools, universities, etc.	
Ords., Art. 41, Sec. 63..	1220
—stables, meters in, charge for horses.	
Ords., Art. 41, Sec. 54....	1218
—steam boilers, rates per horse-power.	
Ords., Art. 41, Sec. 56..	1218
—suburban territory, rates for.	
Ords., Art. 41, Sec. 72..	1222
.....	1223

	Page
WATER RENTS.—(Cont'd).	
tax for payment of water used by city.	
Ords., Art. 41, Sec. 67.....	1221
violation of provisions relating to; duty of City Solicitor.	
Ords., Art. 41, Sec. 15..	1200
works.	
(See "Water Board.")	
Ords., Art. 40, Sec. 1,	1177
works, pipes and property.	
—penalty for injuring.	
Ords., Art. 40, Sec. 22,	1184
WATER, SEWER AND GAS CONNECTIONS,	
permits for.	
Ords., Art. 35, Sec. 109,	
.....	1133-1134
WEIGHING,	
coal.	
(See "Coal.")	
ice.	
sales by weight, penalty.	
Ords., Art. 17, Secs. 33-34.....	886
WEIGHTS AND MEASURES,	
See " <i>Inspections Weights and Measures.</i> "	
clerks of markets to detect short weights and measures, penalty for false weights and measures.	
Ords., Art. 23, Sec. 3....	919
condemned or injured and afterwards used, penalty.	
Ords., Art. 17, Sec. 15..	881
inspection of.	
Acts, Sec. 6.....	55
—and stamping, symbol.	
Ords. Art. 17, Sec. 10....	879
inspectors of.	
Acts, Sec. 34.....	111
keepers of.	
(See " <i>Inspections, Weights and Measures.</i> ")	
standards, etc.	
Acts, Sec. 6.....	55

WEIGHTS,	Page
sales by.	
false weights, penalty.	
Ords., Art. 23, Sec. 31..	929
WELFARE AND OTHER POWERS,	
ordinances relating to,	
Acts, Sec. 6.....	94
power of city in relation thereto.	
Acts, Sec. 6.....	94
WELLS,	
abandoned wells to be covered.	
Ords., Art. 40, Sec. 38..	1189
and springs.	
(<i>See "Health."</i>)	
Ords., Art. 14, Sec. 127,	
.....	834-835
condemned wells.	
fountains in place of.	
Ords., Art. 40, Sec. 42,	1190
—use of water to be prevented, posting of well.	
Ords., Art. 40, Sec. 41,	1190
covering over wells, penalty for failure to replace.	
Ords., Art. 40, Sec. 40,	1190
privy—	
to be constructed for one house.	
Ords., Art. 14, Sec. 137,	839
sites of abandoned wells to be covered.	
Ords., Art. 40, Sec. 39....	1189
WHARVES,	
<i>See "Harbor, Docks and Wharves."</i>	
Ords., Art. 13, Sec. 13..	777
and docks—	
condemnation of wharfage and dockage rights.	
note, Acts, Sec. 6.....	49
and piers—	
(<i>See "Harbor, Docks and Wharves."</i>)	
Ords., Art. 13, Sec. 11..	776

WHARVES.—(Cont'd).	Page
fire precautions on.	
open lamps, matches, pipes, etc., prohibited.	
Ords., Art. 11, Sec. 64..	757
ice and snow on, removal of.	
Ords., Art. 36, Sec. 2,	
.....	1140-1141
Ords., Art. 36, Sec. 15..	1145
preservation and repair of wharves and regulation of wharfage.	
Acts, Sec. 6.....	52
public—	
goods on, regulated.	
Acts, Sec. 6.....	52
wharf and pier regulations.	
(<i>See "Harbor, Docks and Wharves."</i>)	
Ords., Art. 13, Sec. 30..	784
wharfage—at city wharves.	
Acts, Sec. 6.....	53
—auction duties forfeited by city when certain charges are made.	
Acts, Sec. 277.....	236
—vessels—wharfage from, collection of.	
Acts, Sec. 6.....	52-53
—wharf taxes	
imposition of.	
Acts, Sec. 6.....	52
wood shavings on, prohibited; penalty.	
Ords., Art. 14, Sec. 121..	833
WHEELBARROWS, ETC., ON SIDEWALKS,	
hand carts, etc., unlawful, penalty, proviso.	
Ords., Art. 25, Sec. 98..	991
WHISTLES,	
locomotive whistles not to be blown in city limits; penalty.	
Ords., Art. 30, Sec. 14..	1020
WIDOWS AND CHILDREN	
<i>See "Fire Department," "Firemen" and "Special Police Fund."</i>	

WILKEN S AVENUE,

cattle, driving through unlawful.

Ords., Art. 25, Sec. 31 968-969

WILSON STREET,

cattle, driving through, prohibited.

Ords., Art. 25, Sec. 25.. 967

WINES OR LIQUORS,

markets; sales in prohibited, penalty.

Ords., Art. 23, Sec. 36.. 930

WINDOWS,

bulky articles not to be thrown from; proviso.

Ords., Art. 25, Sec. 86.... 987

WIRE GLASS SASH,

See "Buildings" sub-title "Fire Regulations."

Ords., Art. 3, Sec. 81.... 628

WIRES AND WIRING,

electrical installation—

(See "Inspector of Buildings" sub-title "Electrical Installation and Wiring").

Ords., Art. 3, Sec. 44-54 614-618

electrical wiring.

(See "Licenses," "Installation of Electrical Apparatus and Wiring.")

to be placed underground in conduits.

("See Electrical Commission and Subways")

Acts, Sec. 6..... 81

Ords., Art. 9, Sec. 6-11

..... 719-722

underground—power of city to order same placed underground.

Acts, Sec. 6..... 81

use of streets by.

Acts, Sec. 6..... 80

WITNESSES,

See "Grand Jury."

for prosecution—

names to be indorsed by J. P. on commitment or recognition when jury trial prayed.

Acts, Sec. 634..... 381

compensation; when allowed; out-of-town witnesses.

Acts, Sec. 387..... 293

fine of when absent.

Acts, Sec. 346..... 279

WIVES OF FIREMEN,

payment to on death of husband.

Ords, Art. 11, Secs. 11-12..... 739-740

WOMEN NOTARIES PUBLIC.

See "Notaries Public."

WOMEN'S MERCHANDISE LICENSES.

See "Licenses."

conditions of issue; fee; penalty for misuse.

Ords., Art. 41, Sec. 85.. 1228

WOOD,

See "Inspections, Weights and Measures."

arbitration of disputes in measurement of.

Acts. Sec. 599 359

carts for.

(See "Wood.")

—regulations for.

Ords. Art. 4, Sec. 37..... 693

certificates of measurer of wood-carts.

Acts, Sec. 590..... 356

cord wood; contents of a cord of wood.

Acts, Sec. 591 356

marking of wood-carts; capacity to be indicated by marking.

Acts, Sec. 594..... 357

	Page
WOOD.—(Cont'd).	
measurer of wood-carts; compensation of.	
Acts, Sec. 590.....	356
—duties; to issue certificates of measurement.	
Acts, Sec. 590.....	356
oath of measurer of wood-carts.	
Acts, Sec. 593.....	357
office of measurer.	
Acts, Sec. 594.....	357
owners or dealers to have carts inspected; penalty.	
Acts, Sec. 598.....	358
penalties for violations of provisions relating to inspection of wood-carts and sale of wood.	
Acts, Sec. 598.....	358
sawed and split wood; measurement of.	
Acts, Sec. 594.....	357
shavings (<i>See "Health."</i>)	
Ords., Art. 14, Sec. 121	833
short measure, penalty for.	
Acts, Sec. 592.....	357
stick wood sold at retail, measurement of.	
Acts, Sec. 595.....	357
unlawful sales of by dealers, penalty.	
Acts, Sec. 596.....	358
use of in locomotive engines permitted; proviso.	
Ords., Art. 30, Sec. 16.....	1021
wood carts, measurer of.	
Acts, Sec. 590.....	356
WOODBERRY,	
cattle, hours for driving through.	
Ords., Art. 25, Sec. 31,	968-9
factory—	
sale of liquors at, prohibited.	
Acts, Sec. 665.....	406

WOODEN,

buildings and frame sheds.	
(<i>See "Buildings" sub-title "Frame Sheds and Wooden Buildings."</i>)	
Ords., Art. 3, Secs. 89-92.....	630-632
structures in markets—	
permanent erection of prohibited, penalty, provisos.	
Ords., Art. 23, Sec. 45..	932

WORK AND LABOR,

bills for supplies to be paid by comptroller except on written order.	
Ords., Art. 6, Sec. 33.....	710
and note.....	708,709
City Engineer authorized to employ for City.	
Ords., Art. 35, Sec. 5.....	1092
contracts for.	
Acts, Sec. 15.....	99
—when let by New Sewerage Commission.	
Acts, Sec. §824e.....	513-514
grading, paving, etc—	
City Engineer may employ day labor or contract therefor.	
Ords., Art. 35, Sec. 81..	1121
inspection of memoranda by Mayor, Comptroller and City Council.	
Ords., Art. 6, Sec. 33....	710
and note.....	708-709
memorandum of orders for on behalf of city to be kept, data thereof.	
Ords., Art. 6, Sec. 32....	710
and note	708-709
orders for on behalf of city to be in writing and signed.	
Ords., Art. 6, Sec. 31....	709
and note.....	708-709
police not to perform other than police duties.	
Acts, Sec. §759a	468

WORN-OUT RECORDS,

See "Land Records."

	Page
WRIT OF REPLEVIN,	
<i>See</i> " <i>Writs.</i> "	
WRITS,	
renewable until executed.	
Acts, Sec. 305.....	263
renewal of.	
Acts, Sec. 305.....	262
returnable in all cases before station-house justices.	
Acts, Sec. 641.....	384
when returnable.	
Acts, Sec. 304.....	262
where returnable when issued by J. P.	
Acts, Sec. 627.....	376

	Page
YORK ROAD,	
cobble-stone and macadam paving on, prohibited.	
Acts, Sec. §838a,.....	528
ZELL & CO., R. R.,	
contract with city for removal of night-soil; violation of; penalty.	
Ords., Art. 14, Sec. 156..	845
ZOOLOGICAL COLLEC - TION,	
<i>See</i> " <i>Parks and Squares.</i> "	









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